



Consequentialism and the Role of Practices in Political Philosophy

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Abstract

Political philosophers have recently debated what role social practices should play in normative theorising. Should our theories be practice-independent or practice-dependent? That is, can we formulate normative institutional principles independently of real-world practices or are such principles only ever relative to the practices they are meant to govern? Any first-order theory in political philosophy must contend with the methodological challenges coming out of this debate. In this article, I argue that consequentialism has a plausible account of how social practices should factor in normative political philosophy. I outline a version of consequentialism, Practice Consequentialism, that provides a plausible blueprint for integrating social practices in normative theorising. Second, I argue that Practice Consequentialism accounts well for the central arguments on both sides of the practice-dependence debate. Capturing arguments for practice-dependence, consequentialism brings out why real-world practices are central in formulating institutional principles. Conversely, capturing arguments for practice-independence, consequentialism offers a clear external normative perspective from which to evaluate practices.

Keywords Practice-dependence · Practice-independence · Methods of political theory · Practices · Utilitarianism · Consequentialism · Instrumentalism · Social beneficence

Introduction

Some have recently diagnosed a methodological turn in political philosophy: rather than just doing political philosophy, theorists increasingly interrogate the methods political philosophers use (Erman and Möller 2015; Valentini 2012). One central question revolves around what role real-life social practices should play in normative

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theorising. Should our theories be practice-independent or practice-dependent? That is, can we formulate normative institutional principles independently of real-world practices or are such principles only ever relative to the practices they are meant to govern (Sangiovanni 2008, 2016)? Call this the *Practice Debate*.

Wherever one stands in the Practice Debate, the debate has generated methodological challenges any first-order theory in political philosophy must grapple with. In this article, I argue that consequentialism offers a plausible account of what role social practices should play in normative political philosophy. This account helps consequentialism meet the challenges coming from the Practice Debate. To defend this conclusion, I first outline a version of consequentialist political philosophy, Practice Consequentialism, that gives us a plausible approach to integrate social practices in normative institutional theorising. I then argue that Practice Consequentialism also accounts well for the central arguments on both sides of the Practice Debate. Consequentialism accounts well for arguments proffered for practice-dependence: it brings out why real-life practices are central when formulating normative institutional principles. This is somewhat surprising, given that consequentialism is sometimes presented as a practice-independent theory par excellence. Conversely, consequentialism accounts for arguments for practice-independence too: consequentialism offers a clear and external normative perspective from which to evaluate practices.

Consequentialist political philosophy has a long pedigree, including thinkers such as Jeremy Bentham, John Stuart Mill and Henry Sidgwick, as well as Mozi and the Mohists in ancient China.¹ In recent decades, however, consequentialism has become somewhat unfashionable in political philosophy.² While this article does not provide an ‘all-things-considered defence’, it adds a new *pro tanto* argument for reinvigorating consequentialist political philosophy. Note that this argument also matters beyond consequentialism and applies, *mutatis mutandis*, to what might be called *Social Beneficence*, the view that how much good practices do is a central *pro tanto* reason in their favour, even if there are also non-consequentialist reasons (Barrett 2022). I show how instrumental reasons within such views can play a surprisingly rich role and help us meet plausible desiderata from the Practice Debate.

I proceed as follows. In the first section, I outline what I think is the strongest generic version of consequentialism (and Social Beneficence) for political philosophy and show how it plausibly integrates social practices. In the two sections thereafter, I argue that consequentialism accounts both for arguments for practice-dependence and for arguments for independence. In the final section, I conclude and sketch some implications for future directions in political philosophy.

Note that I use ‘political philosophy’ throughout but mean for this to be synonymous with ‘normative political theory’.

¹ See, for example, Bentham (1876), Kelly (1990), Mill (1848, 1871), Sidgwick (1887, 1891, 1907) and Fraser (2016) respectively.

² See Bailey (1997), Goodin (1995), Gray (2013), Hardin (1990), Kelly (1990), Pettit (2012), Rawls (1955), Sumner (1987), Woodard (2019) for examples of (more) recent consequentialist political philosophy.

Consequentialism and Social Practices

In this section, I develop a consequentialist framework for political philosophy. This framework shows what role social practices (should) play in consequentialist political philosophy.

Practice Consequentialism

As a rough distinction, ethics raises questions about individual morality—such as what makes acts right or wrong—whereas political philosophy raises normative questions about *social* phenomena. Nearly all these phenomena involve *social practices*. Accordingly, the type of consequentialism I develop is:

Practice Consequentialism: Of any two (partly) practice-constituted options available to a set of agents *A*, one is morally more choiceworthy to the extent that it brings about more good.

I henceforth just use ‘consequentialism’ to refer to Practice Consequentialism (when referring to other consequentialist views, I will use qualifiers such as ‘act consequentialism’). Before I outline how consequentialism integrates social practices, note four characteristics of this view.

First, consequentialism is here understood as a scalar (or comparative) rather than a maximising or satisficing view.³

Second, in my definition, the set of agents *A* is understood broadly. *A* could include a policy-maker or parliament choosing between different policies. While *A* could be about individual agents, political philosophy will mostly be about collective or group agents. Sometimes it can also be about hypothetical agents that do not yet exist, such as a hypothetical world government.

Third, ethicists typically distinguish between subjective and objective versions of consequentialism. Subjective consequentialism says we ought to do what does the most good *in expectation*. ‘Belief-relative’ versions of subjective consequentialism focus on subjective probabilities (or other expectations) as constituted by an agent’s beliefs. More plausibly in our case, ‘evidence-relative’ versions focus on what is expectably best given the evidence available at the time. ‘Objective’ consequentialism, in contrast, says we ought to do what *actually* does the most good, that is, relative to the facts of how the world will actually turn out.⁴ While my definition is non-committal between these different versions and my arguments can also be run

³ ‘Morally more choiceworthy’ allows for two types of scalar consequentialism: Norcross’s scalar consequentialism which dispenses with deontic categories such as ‘rightness’ and Sinhababu’s which makes deontic categories (like rightness) scalar (Norcross 1997, 2008; Sinhababu 2018). I defend the general idea that consequentialism should be scalar for political philosophy in (Schmidt 2023). However, not much hangs on this here, as my arguments could be run with a more standard maximising view too.

⁴ See Parfit (2013, pp. 150–164) on belief-relative, evidence-relative and fact-relative oughts.

with objective consequentialism (but maybe less well with belief-relative subjective versions), I implicitly assume an *evidence-relative subjective version*.⁵

Fourth, this is a generic consequentialist view in that it neither specifies a theory of the good nor a criterion of how to aggregate individual goodness. Accordingly, the view could be filled in as hedonic total utilitarianism. Or it could feature a broader theory of wellbeing or broader axiologies that contain personal goods other than wellbeing (such as autonomy or achievement) and impersonal values (for example biodiversity or cultural achievement). Moreover, its axiology could depart from utilitarianism by, for example, being prioritarian or (distributive) egalitarian.⁶

Finally, I henceforth only write about consequentialism. But my arguments also apply, *mutatis mutandis*, to:

Social Beneficence: Of any two (partly) practice-constituted options available to a set of agents *A*, one is *pro tanto* morally more choiceworthy to the extent that it brings about more good.⁷

Social Beneficence allows that—besides reasons to promote the good—non-consequentialist reasons play a role too. Even though I focus on consequentialism here, my arguments below should still apply to the ‘*pro tanto* consequentialist’ part of Social Beneficence.

Let me now return to the main topic: the role social practices play in consequentialism.

Social Practices

Consequentialist political philosophy, as I define it here, is about assessing *practice-constituted options*. Such options can be about specific policies, largely informal practices, or about fundamental and broad institutions and the principles that govern them.

First, regarding *policies*, we might ask questions such as ‘should our benefit system be unconditional or means-tested?’ or even more specific questions such as

⁵ When responding to arguments against Practice-Independence, I discuss consequentialism and empirical evidence. Those arguments will be available to objective consequentialism too. Even though objective consequentialism is fact-relative, it still requires a decision theory for real institutions. And such a theory will typically require agents to focus primarily on the best available evidence and evidence-based probabilities instead of on what would do the most good relative to epistemically inaccessible facts.

⁶ Some political philosophers might wish to expand their axiology and view relational or institutional values as intrinsically valuable, such as democracy, legal justice and rights. Those good things have an institutional component and thus imply that some social relations and institutional arrangements are (constitutively) intrinsically good. I here count those views as still genuinely consequentialist. However, when developing my argument, I rely on more parsimonious axiologies that do not hold that certain institutions are intrinsically valuable or disvaluable.

⁷ I take the name ‘Social Beneficence’ from (Barrett 2022). Alternatively, we could call this view ‘Practice Instrumentalism’. Practice Instrumentalism would differ from what some call ‘political instrumentalism’ which holds that the only justification of political power can be instrumental (Arneson 2003; Viehoff 2017). Social Beneficence/Practice Instrumentalism, in contrast, is not just about political power and it also allows non-instrumental reasons.

‘should the United States decriminalise sex work?’ Policies are ‘partly practice-constituted options’ because they either are about social practices or enacted through practices (regulating, taxing, enforcing, etc.).

Second, regarding largely *informal social practices*, we can ask questions like: is tipping a desirable social practice? Which linguistic norms around gender—he/she, they, ze, etc.—should we adopt in everyday speech?

Third, political philosophy also asks more fundamental *institutional* questions.⁸ For example, should we prefer a direct or representative democracy? Should constitutions have a strong commitment to freedom of speech? Such questions are still about social practices. For, as is common in social ontology, I assume an institution is a type of practice that involves norms and often codifiable rules (Hindriks 2019).

Of course, political philosophy often abstracts further and enquires which *institutional principles* should shape practices and institutions. For example, in assessing or designing informal social practices or formal institutions, should we accept Mill’s Harm Principle, or Rawls’s principles of justice, accept libertarian property rights as side constraints, or accept a public reason requirement? I come back to ‘institutional principles’ below and explain how they fit into the consequentialist picture.

The above options are ‘practice-constituted’ because they either are practices or are partly constituted by practices. Consequentialists have good reason to focus on practices. To bring about good outcomes requires not just good acts but also good relationships, social regularities, rules, practices and institutions. All consequentialists accept this claim, including hardened act utilitarians.⁹

I here, of course, focus on practices. Let me outline broad characteristics shared by most practices and why they matter for consequentialism.

First, in practices, participants typically have *behavioural dispositions*. Most of those dispositions are ‘non-consequentialist’ in that participants are disposed to regularly focus on aspects other than trying to do the most good. For example, the rule of law requires that participants be disposed to honour the law. They should not be disposed to always investigate whether ignoring the law will do more good.

Moreover, such dispositions partly *constitute* practices. The rule of law is not merely a contingent confluence of people following the law in individual instances. Rather, participants are somewhat robustly disposed to follow laws and legal procedures. Finally, the dispositions themselves can often already have important ‘non-act mediated’ benefits (Pettit and Smith 2000). For example, knowing that your rights are robustly protected can already bestow a certain status on you, along with important subjective benefits that materialise even when you do not interact much with the legal system.

Second, while practices involve behavioural regularities, practices are more than just regularities. The first connection between a practice and behaviour is causal.

⁸ Some understand political philosophy narrowly as being only about fundamental institutional questions, whereas questions about policy are ‘philosophy of public policy’ and questions about informal social practices ‘social philosophy’. I here take ‘consequentialist political philosophy’ to cover all three but the arguments could of course also be run exclusively for political philosophy narrowly conceived.

⁹ See Bailey (1997), Bales (1971), Hare (1981), Hardin (1990), Mill (1871, pp. 131–133), Moore (1903, pp. 162–164); Parfit (1984, chap. I); Pettit and Brennan (1986), Railton (1984), Rawls (1955), Sidgwick (1907, p. 413).

Typically, practices involve interdependent behavioural regularities, where participant behaviour is responsive to other people's behaviour (Haslanger 2018, p. 239). Moreover, people often act in response to others in a practice *because* they act as part of a practice. Another mechanism is 'ontological'. A practice often partly determines how we describe and understand acts (Rawls 1955). A person can only suspend a sentence when they do so as a judge in a legal system. Or your shooting the ball into a goal only counts as scoring a goal if you do so as part of a game of football (soccer). A related observation is that practices involve social meaning (Haslanger 2018; Lessig 1995). For example, the rules of traffic require a common interpretation of symbols, such as traffic lights and traffic signs. In a social practice, participants share some understanding of what symbols and acts involved in the practice mean.

Finally, practices typically feature *practice-internal normativity* (or 'immanent normativity').¹⁰ The idea is intuitive enough: norms or normative expectations inhere to social practices, such as the rule of law, football, friendships, romantic relationships and so on. Let me spell out practice-internal normativity through four points.

First, some practices specify—vaguely or precisely, partially or completely—who has standing, liberty or even authority to make which decisions within the practice (Rawls 1955). As Rawls argues, this specification partly constitutes many practices. When consequentialists endorse a certain practice, they typically thereby endorse that such a practice will bestow certain individuals with liberties, expectations or authority. They thereby also accept that practices will often constrain people's options to act like act-consequentialists. As part of a functioning legal system, for example, judges will have authority to take certain decisions as well as circumscribed duties to make those decisions in particular ways. Moreover, external pressures will reduce the judge's freedom to act like an impartial act-consequentialist who can disregard what the law requires.

Second, as part of practice-internal normativity, participants typically have *normative* and not just probabilistic *expectations*. For example, in a functioning legal system, people will not merely expect that the judge is unlikely to flip a coin to reach a verdict. Instead, they expect her, in a normative sense, to live up to her professional obligation as a judge (and thus not to flip a coin).

Third, practice-internal normativity typically implies some measure of *normative negotiation and entrenchment*. Negotiation and entrenchment require that a practice include mechanisms for communicating, negotiating and reinforcing norms and normative expectations. One mechanism is reactive. When people do not fulfil normative expectations—or when they exceed those—negotiation and entrenchment will feature a class of reactions to such behaviour, ranging from informal reactive attitudes such as blaming and praising to more formal responses—fines, punishments or

¹⁰ I here write 'typically', as some theorists disagree over whether practices necessarily involve normativity. See Brennan et al. (2013), Gilbert (1992) and Hindriks (2013) for discussions. I here remain neutral on this question, as I only claim that *many* practices involve practice-internal normativity, which is enough for my argument below.

prizes.¹¹ Other mechanisms involve specifying professional roles, setting up rules, incentives and so on.¹²

Fourth, practice-internal normativity can often, at least partly, be characterised by what I call *institutional principles*. For example, democratic institutions feature inherent commitments to certain principles such as procedural fairness, equality before the law, equal influence, transparency and so on. And practice-internal normativities in liberal societies might be captured by principles that express commitments to free speech, individual freedom and tolerance. Some aspects of practice-internal normativity might be captured with principles that feature non-normative concepts. Other institutional principles, however, feature normative concepts. Typically, such normative language will not be ‘thin’ moral language, like goodness or rightness, but involve ‘thick’ values, such as when a principle will feature a social or political value. For example, when law should instantiate procedural fairness or respect political freedom or when medical care should respect patient dignity, the values involved tend to carry both descriptive and evaluative content. Finally, when such principles are meant to apply generally, or apply to the basic structure of society, they can take a very general form, such as Mill’s Harm Principle, the public justification requirement or Rawls’s two principles of justice.

On the consequentialist picture here, institutional principles are meant to capture practice-internal normativity. As such, they do not form the ‘rock bottom’ of justification. The practices constituted by practice-internal normativity themselves stand in need of justification. And such justification will be external, namely by seeing how much good those practices and institutions do. Note that in my terminology here, the ‘consequentialist principle’ itself—the above definition of ‘consequentialism’—is *not* an institutional principle. Instead, it is the fundamental moral (or ‘normative’ or ‘justificatory’) principle that holds externally, that is, also outside of practice-internal normativity. In this sense, Practice Consequentialism has a ‘two-level’ structure reminiscent of Richard Hare’s two-level act consequentialism in ethics (Hare 1981): there is a fundamental consequentialist principle that ultimately grounds normative justification as well as ‘downstream’ institutional principles that capture the normativity internal to those institutions and practices that do good.¹³

¹¹ Recent pragmatic theories of blame (Fricker 2016; Holroyd 2007; McGeer 2012) and communicative theories of punishment (Duff 2003) zoom in on these functions.

¹² Of course, different practices require different types and intensities of normative entrenchment. Pure co-ordination interactions, for example, typically require less entrenchment than more complex co-operative practices.

¹³ One worry here is whether two-level views are possible. One worry, for example, might be that Practice Consequentialism—or views that entail it—is incompatible with act consequentialism (in ethics). (This worry parallels the criticism that global consequentialism is incompatible with act consequentialism: see Streumer (2003), Lang (2004), Brown (2005) and Ord (2009) for responses.) However, because Practice Consequentialism contains no criterion of what makes individual acts right, it is different from act and rule consequentialism, and nor does it imply either of them. In any case, my article does not assume act consequentialism nor any other particular view for the ethics of individual behaviour, as this article is not about ethics but political philosophy. A ‘weaker’ worry might be that even if ‘logically possible’, two-level Practice Consequentialism is still *incoherent*, as it might require a ‘split psychology’ for

Focussing on practice-internal normativity gives consequentialism the structure to discuss the institutional principles central to political philosophy. For example, say you want to investigate whether we should be committed to democracy. Consequentialists might argue that across a range of comparisons, democratic institutions are morally more choiceworthy than most tried alternatives, because they bring about better outcomes. Assume (plausibly) that democratic practices involve strong commitments to institutional principles such as procedural fairness, equality before the law, equal influence, transparency and so on. Moreover, functioning democracies will have a *robust* rather than superficial commitment to this practice-internal normativity and come with good entrenchment. Therefore, if democracy does bring about good outcomes, consequentialism can ground a robust commitment to it and its practice-internal normativity. To generalise this practice-internal normativity, we can formulate certain institutional principles, for example a commitment to the rule of law, to equality before the law, equal representation and more.

Of course, this is a mere blueprint for consequentialist arguments like this. For each principle—like a commitment to equality, human rights, political freedom and so on—we would require detailed separate arguments. For each of those institutional principles, we would have to compare whether institutions whose practice-internal normativity is robustly guided by those institutional principles do better than comparable institutions that are not. My concern here is to outline the structure for such arguments. I leave the substantial arguments for others.¹⁴

I think the above outline of Practice Consequentialism (and Social Beneficence) provides a plausible framework to develop normative institutional principles that capture social practices and their practice-internal normativity. To further defend this framework, I argue that Practice Consequentialism accounts for central arguments in the Practice Debate.

Arguments Against Practice-Independence

Consequentialism accounts well for many of the plausible arguments to have emerged from the Practice Debate. The argument runs like this:

Footnote 13 (continued)

individuals and a split public normative culture torn between consequentialism and downstream institutional principles. Consequentialists have responded to the psychological incoherence and, to a lesser extent, the social incoherence worry (see Railton (1984) for example and other sources from footnote 9). Given limited space, I will not address this problem here.

¹⁴ See Bailey (1997), Goodin (1995), Gray (2013), Hardin (1990), Kelly (1990), Mill (1871, chap. 5), Pettit (2012), Rawls (1955), Schmidt and Juijn (2023), Sidgwick (1891, 1907), Sumner (1987) and Woodard (2019) for some such arguments to vindicate normative principles— for example around punishment, democracy, freedom, equality and so on— through consequentialism. We can also include Hart, who argued that a plausible justification of the institution of punishment must be consequentialist (the ‘general justifying aim’), although he argues whether and how we punish in individual cases needs to be guided and constrained by non-consequentialist considerations (the ‘distribution’ of punishment) (Hart 1968, chap. I). So, Hart’s view is probably better described as Social Beneficence.

- A. If an approach to political philosophy accounts well for the *prima facie* plausible moves in the Practice Debate, then we have *pro tanto* reason to adopt this approach.
- B. Consequentialism accounts well for the *prima facie* plausible moves in the Practice Debate.
- C. Therefore, we have *pro tanto* reason to adopt consequentialism.

Note two caveats.

First, premise B assumes that arguments presented on both sides have some initial plausibility—plausibility enough that it adds to a theory’s promise if it has a good answer to them.

Second, instead of attacking other, non-consequentialist views, I focus on the positive case and show that consequentialism does well. Accordingly, I do not defend the stronger claim that consequentialism accounts for those moves better than all other normative approaches in political philosophy. Of course, my *pro tanto* argument would be stronger, if I could defend this stronger claim. However, I simply lack space to go through all other views in political philosophy and discuss how they would respond to those challenges.¹⁵

The overall picture to emerge in the next two sections is as follows. As seen above, consequentialism has a two-level structure with a fundamental consequentialist principle and downstream institutional principles that capture the practice-internal normativity of practices and institutions that do good. On the one hand, consequentialism is radically practice-independent in its fundamental justificatory principle. On the other hand, consequentialism is strongly practice-dependent in the downstream institutional principles, as those are about the practice-internal normativity of real institutions. With this two-level structure, consequentialism meets challenges raised to both practice-dependence and practice-independence and, in this sense, can ‘play both sides’.

But let us first see what the Practice Debate is about. Practice-independent theorists hold:

Practice-Independence: the actual practices we currently or typically encounter do not condition the content, scope and justification of fundamental institutional principles (see Sangiovanni 2008, 2016).

For example, consider Nozick’s rights-based libertarianism (Nozick 1974). Nozick starts with a list of property rights that are to function as deontological side constraints. Nozick holds that those rights are not just rights that existing institutions somehow recognise, nor does he seek to justify those rights through the role which they play in real-life institutions. Their content, scope and justification are completely independent of what practices we happen to encounter.

¹⁵ Moreover, some of the advantages I attribute to consequentialism might be available to some other theory too. But that alone does not show that there is a theory that has *all* those advantages (or enough of them plus others), so that it is on balance preferable. This might be so, but, again, I do not have space to discuss all other (possible) theories in political philosophy.

The above definition mentions ‘fundamental institutional principles’. Sangiovanni instead talks of ‘principles of justice’. I prefer ‘fundamental institutional principles’ to allow for principles and institutional values other than justice.¹⁶ But, either way, note that those ‘fundamental institutional principles’ are distinct from *derivative* principles that shape actual practices, say the principles shaping your country’s legal system. Practice-independent theorists can agree that *derivative* principles are practice-dependent (see Cohen 2009a, pp. 276–277 on ‘fundamental principles’ vs ‘rules of regulation’). But the practice-independent theorist would hold that for derivative principles to be justified, those must still be grounded in fundamental normative institutional principles, for example in principles of egalitarian justice and community in Cohen’s case. And for the practice-independent theorist, those fundamental principles must be practice-independent.

Similarly, practice-independent theorists of course acknowledge that real-life practices are important when we *apply* practice-independent principles. Real-world feasibility-sets are constrained by what practices and institutions exist in the real world. Such theorists would typically recommend the option that best implements the pre-institutional principles or comes closest to it. And at that stage, real-world options and derivative principles can be practice-dependent.

Practice-dependent theorists, in contrast, deny that even fundamental principles can or should be practice-independent:

Practice-Dependence: Actual institutions condition the content, scope and justification of fundamental institutional principles (Sangiovanni 2008, 2016).

First, practice-dependent theorists hold that we can only *understand* principles and values through understanding real-life practices. Second, we can only justify principles relative to the role they play in such practices. Third, normative political philosophy is not a two-step application process. Instead, practice-dependent theorists endorse *interpretation* (Erman and Möller 2015, 2016; Sangiovanni 2016). In interpretation, we first interpret a practice—understand how it works, what its purpose is and so on. In a second step, we then find out which institutional principle will best regulate such a practice given its nature and purposes.

For example, political theories of human rights develop normative principles to govern human rights law by first trying to understand the nature and purpose of actual human rights practice (Beitz 2011; Sangiovanni 2016). Such theories are often contrasted with ‘natural’ theories that first develop practice-independent philosophical foundations of human rights and then apply them as normative guides to human rights law afterwards.¹⁷

So, what are the central arguments against Practice-Independence? The most general objection to Practice-Independence is:

¹⁶ Moreover, those principles could be about ‘formal institutions’ and the ‘basic structure’ as well as informal social practices. I prefer the broader ‘fundamental institutional principles’, as I think we should not restrict a methodological debate to first-order views operating largely within the dominant Rawlsian framing.

¹⁷ See James (2013), Ronzoni (2009) and Sangiovanni (2007) for further examples of first-order practice-dependent theorising.

General Objection: To develop fundamental institutional principles, practice-independent theories still need to draw on real-life concepts, intuitions and values. However, by abstracting away from the role principles play in real-life practices, they mischaracterise what those principles are and what they are for.

Consider property rights as an illustration of how the General Objection might work in particular cases. If you take a Humean approach, property rights and the normative principles around them are human inventions to solve problems of social life, co-ordination and interaction (Hume 1739, sec. III.ii.1–4). Nozick’s fundamental principles, in contrast, feature property rights as abstract and pre-institutional rights at the fundamental level of morality. In the spirit of the General Objection, one might then argue that a Nozickian theory mischaracterises property rights and the role that they play in real-world practices (I here leave open whether this critique would be successful).

The General Objection can be supplemented with more specific arguments.¹⁸

Time-Contingency: Different institutional principles govern and should govern different societies at different points in time, stages of development and so on (Sangiovanni 2016). This contingency indicates that fundamental institutional principles develop relative to those contingencies and that characterising them independently is a mistake.¹⁹

Institutional principles should take empirical contingencies into account, and those can change over time. For example, in his book *Foragers, Farmers, Fossil Fuels: How Human Values Evolve*, Ian Morris argues that the moral values shaping social life radically changed with the primary modes of production and with how humans extract or produce energy. Foraging societies, for example, were far less hierarchical and patriarchal than farming societies. Fossil fuel societies in turn are again more egalitarian and inclusive than farming societies (Morris 2017). Now, even without buying the whole story, one can readily acknowledge that external empirical contingencies partly shape what social values it makes sense for societies to adopt. Imagine also future humans will be cyborgs or that future beings are located primarily on hard drives and will have no need for food, deliberation through speech, property rights and relational equality. Very likely, the principles governing their future relations and institutions would again differ radically from ours.

Next:

Relationship-Contingency: Different institutional principles govern and should govern different types of practices and relationships. Practice-independent views are prone to pick institutional principles from one set of relationships

¹⁸ Additionally, practice-dependent theorists sometimes argue that individual practice-independent theories fail. For example, political theorists of human rights criticise ‘natural’ human rights theories (Beitz 2011; Sangiovanni 2016). However, a defender of Practice-Independence can always respond that even if *particular* practice-independent theories fail, the general case for Practice-Independence still stands.

¹⁹ Of course, practice-independent theorists have responded to such worries. Cohen, for example, argues one would still need a higher-order fact-free principle that tells us which principles hold under which empirical contingencies (Cohen 2003).

and practices to then implausibly generalise them to too many other relationships and practices.

Cohen, for example, asks us to imagine we are on a camping trip. Do the norms governing such a trip not resemble socialism? Does this not show, in a way, that socialism is feasible and desirable (Cohen 2009b)? Practice-dependent theorists respond that Cohen's example is unsuited for defending any larger institutional principles. Should we not expect, quite obviously, that the principles governing camping trips drastically differ from those governing society at large (Ronzoni 2012)?

Let me now first show how consequentialism boasts a strong response to the challenges raised to practice-independence. In some sense, consequentialism is of course a practice-independent theory par excellence: it specifies what makes outcomes better or worse independently of any existing practices. And consequentialism's fundamental principle—or its definition—itself does not depend on any existing social practices. Yet despite this practice-independence, with my explanations of Practice Consequentialism in place, we can see why consequentialism has good responses to the above challenges to practice-independence. Start with the General Objection.

The main reason is that consequentialism is practice-independent about axiology and its fundamental justificatory principle but *not* about institutional principles. Many other practice-independent theories subtly differ in this respect. Such theories have practice-independent justificatory principles that still have institutional content, such as principles for legal justice, human rights, property rights, community and so on.²⁰ Because consequentialism does not purport to yield practice-independent *institutional* principles, it naturally avoids the General Objection. As mentioned before, the fundamental consequentialist principle—or the definition of consequentialism—is itself not an institutional principle. It does not have any institutional content, and nor does it feature institutional values. Instead, it is 'thin' in that it just says that institutions are morally choiceworthy to the extent that they do good (although see my qualification in footnote 24). And in that sense, consequentialism circumvents the General Objection.

Moreover, consequentialism captures what motivates the General Objection and Practice-Dependence.

First, consequentialism's two-level structure explains why (downstream) institutional principles should be formulated with a view to the function they have in practices. Consider how consequentialist theorising proceeds. Consequentialism first provides an external normative justification for preferring one social practice over another: prefer practices to the extent that they do good. But consequentialism realises that practices come with *practice-internal normativity*. Consequentialist

²⁰ Again, I do not claim that practice-independent theorists like Cohen do not have good responses to such challenges (nor that some of the moves I will make are not available to them). Nor do I claim that all practice-independent theories have fundamental principles with institutional content. Some prominent luck egalitarians, for example, might maintain that their theory is practice-independent and purely axiological (while others, such as Dworkin, for example, would disagree). Still, many non-consequentialist practice-independent theories in political philosophy feature values such as property rights, procedural rights, claims of egalitarian justice and more in their fundamental principles. Compared with consequentialism, those principles thus feature concepts and values that either have direct institutional content or at least make most sense in institutional contexts.

political philosophy will analyse and understand the normativity internal to the practices that do good. By distilling institutional principles, consequentialism will then seek to capture essential aspects of their practice-internal normativities. In all of this, consequentialism will not mischaracterise what institutional principles are and what they are for, because such principles are developed precisely by focussing on their practice-internal role.

Second, in its method, consequentialism integrates the interpretative approach recommended by practice-dependent theorists. This is somewhat surprising, as one might think consequentialism is simply about ‘application’: you have one principle you can apply to whatever problem you face—just go ahead and plug in the numbers. However, this image is mistaken. Good outcomes require good practices. And to distil the institutional principles that should govern those practices, we first need to interpret and understand how principles can help shape and uphold real practices. In this task, consequentialism should seek to understand a practice’s internal normativity and the normative negotiation and entrenchment required to sustain it. For example, a consequentialist will not try to deduce legal principles through pure reasoning. Rather, consequentialism will interpret and understand legal systems, see what makes them work, what principles shape them and see which ones work better and so on. Drawing on these insights, consequentialism will then assess how to improve existing systems or create new ones.

Consequentialism has a good answer not just to the General Worry but to Time-Contingency and Relationship-Contingency too.

First, consequentialists readily agree that a cyborg society, or one where consciousness is primarily located on hard drives, likely requires different institutional principles. Consequentialism acknowledges that empirical contingencies greatly affect which institutions will do more good. Its focus on expected effects forces consequentialism to take contingencies across societies and time into account. The institutional principles recommended will then typically reflect such contingency.

Second, accounting for Relationship-Contingency, consequentialists readily agree that the norms and principles appropriate in one kind of relationship can be inappropriate in others. Many different relationships are required to bring about good outcomes, including friendships, good workplace relations, trust between strangers, procedurally fair legal systems and so on. Good consequentialist theorising will distil the practice-internal normativities specific to these relationships. We should not require that institutional principles have universal scope across relationships, much less go on a quest for *one* overarching institutional principle. Consequentialism urges us not to reduce the normative complexity of social life.²¹

Consider a final worry about Practice-Independence:

Ideological Capture: Practice-independent theorising risks that political philosophy gets captured by ideology.

I here understand ‘ideology’ broadly along Critical Theory lines (Freedman 2003). Very roughly, ideology is a belief system that systematically connects to social

²¹ Consequentialism can allow that some principles and values, like a commitment to relational equality, might have a very broad reach. Such a broad reach, however, is not necessary for institutional principles.

arrangements and material conditions and typically plays a role in justifying, bringing about or upholding those conditions (Freeden 2003; Geuss 1981; Ng 2015). Moreover, ideologies often present contextual and contingent arrangements and their norms as in some sense universal, natural or necessary. Thereby, ideology can mask progressive alternatives. This is also how, according to critics, practice-independent theories risk ideological capture. They take normative beliefs from particular social arrangements, abstract those from their real-life context and empirical contingency and elevate them to a universal practice-independent level.²²

Is consequentialism likely to succumb to ideological capture? One might here be tempted to probe consequentialism's historical record. The inventor of ideology critique, for example, thought utilitarianism was bourgeois ideology. Anticipating how some academics these days interact on Twitter, Karl Marx wrote: 'The arch-philistine Jeremy Bentham was the insipid, pedantic, leather-tongued oracle of the bourgeois intelligence of the nineteenth century' (Marx 1906, p. 668). Moreover, historians can likely find various instances of consequentialists advancing problematic ideological positions, like Mill on colonialism for example. However, all traditions produced thinkers who were subject to bias and ideology and who defended moral judgements that have aged badly—something easily demonstrable for famous deontologists and Marxists. Conversely, and ahead of their time, utilitarians have often anticipated many important moral causes, including moral concern for non-human animals, more tolerant sexual norms, a more equal distribution of income and, in Mill's case, arguing against the subjection of women.

However, historical anecdotes will hardly decide the case, as the worry does not boil down to whether consequentialism 'gets things right or wrong' but whether its mode of theorising is likely captured by ideology. I want to maintain that consequentialism at least provides a good *structure* for normative theorising that lowers the risk of ideological capture. Here are three reasons.

First, most consequentialists think wellbeing is intrinsically good and suffering intrinsically bad. Moreover, consequentialists accept the principle of equal consideration of everyone's interests and mould it into a relatively straightforward theory. These simple and robust features can make for a simple yet forceful challenge to social conditions that ignore, or treat as less relevant, those with less power. When confronted with suffering—borne by the global poor or non-human animals for example—it is hard to ignore the consequentialist challenge: such suffering seems avoidable, so how could it be justified?

Second, a different source of bias and ideology can come from hidden presumptions and unsubstantiated empirical beliefs. It is a well-known phenomenon that supporters of different ideologies and political parties tend to cluster around not just normative but also empirical beliefs (Achen and Bartels 2017; Joshi 2020). Moreover, ideologies are often said to provide individuals with a wide perspective through which to interpret reality (a 'worldview' or *Weltanschauung*) (Freeden 2003).

²² Ideological capture is an objection made to both Practice-Independence and ideal theory (Mills 2005). I discuss ideal theory elsewhere (Schmidt 2023).

Academics should take great care to prevent such clustering and worldviews from undermining rigorous academic work. Accordingly, political philosophers should be sceptical of grand theories with heavy empirical baggage. Consequentialism mandates such scepticism. It is *not* a worldview through which to understand empirical reality nor does it feature a grand model of society. Instead, by focusing on the expected effects of institutional options, consequentialism forges a necessary and explicit link between normative theorising and the invocation of the best available evidence. If done properly, consequentialism works against hidden presuppositions and dogmas by forcing us to engage rigorously with empirical evidence.

Of course, invoking empirical evidence is not straightforward nor will it suffice to ward off bias and ideology. Critical theorists analyse how empirical research can itself reflect ideology and existing power relations (in the *Positivismusstreit*, for example; see Adorno et al. 1978). What research gets conducted, the categories used (such as ‘man’ and ‘woman’), the context within which researchers operate and the counterfactuals under consideration can reflect ideology and existing power structures. A proper discussion of these worries is, unfortunately, beyond my current scope. But simply note that consequentialists will of course acknowledge such worries. However, the proper response is not to give up on evidence and empirical research but to use rigorous critical judgement when engaging with it.²³

Finally, and most importantly, consequentialism does not feature normative institutional principles when doing practice-independent theorising. Consequentialism is practice-independent about axiology but not about downstream institutional principles. The principles meant to govern practices and institutions are internal to practices and not at the base level of normative theory. Accordingly, they are always open to contestation. Accordingly, elevating interest-specific perspectives to ‘universal and abstract normative institutional principles’—for some the hallmark of ideology—clashes with consequentialism’s theoretical structure (as outlined in the section ‘Social Practices’).²⁴

Someone might now push the following objection. Ideology need not be restricted to institutional principles. Can ideology not also happen within theorising

²³ One difference is that most consequentialists will try, where possible, to firmly separate the normative/axiological from the empirical. Some critical theorists are critical of this separation and favour weaving together analytical, explanatory and normative perspectives (Ng 2015). Some central analytical categories—such as alienation and emancipation—seem like thick evaluative concepts with both descriptive and normative content.

²⁴ My argument in this section is not that other theories do not have their own strategies to reduce ideological risk. My case is *for* consequentialism rather than against all other theories (see footnote 15). But as mentioned above, on this point, consequentialism differs from some other practice-independent theories that feature normative principles with ‘institutional content’. For example, structurally, the ideology objection might apply more to practice-independent fundamental principles that invoke libertarian property rights. For this reason, I should also qualify my above argument somewhat. Consequentialist theories can, as mentioned earlier, feature richer theories of the good by which to rank outcomes and some of those might feature ‘institutional content’. One could, for example, be a consequentialist who includes property rights in their theory of what makes outcomes better. Accordingly, consequentialist theories with a more *parsimonious* (and non-institutional) axiology will be particularly good at lowering the risk that they assume too much institutional content.

about the good?²⁵ A good example are preference-based frameworks in economics. Some welfare economists construct wellbeing through revealed preferences: we can only judge whether someone is better off based on the preferences they reveal through their choices. The revealed preference approach builds an anti-paternalist and anti-perfectionist feature into axiology. But such assumptions are far from innocuous. For example, such a framework leaves little room to criticise free market interactions—which then by definition make all participants better off—and situations in which individuals act in ways that make them worse off.²⁶ Moreover, some economists assume that interpersonal comparisons of utility are impossible. They then sometimes restrict axiological judgements to revealed-preference-based Pareto improvements, which is absurdly biased towards the status quo.

This worry has much force. Axiology can of course be captured by ideology. But to me, it suggests axiology should be tackled head-on. In the revealed preference and Pareto case, for example, it is partly because theorists think we should *avoid* first-order theorising about the good altogether—often for reasons such as anti-paternalism or methodological parsimony—that the supposedly neutral measure carries so much ideological baggage. A good, explicit and direct axiological investigation would be far preferable and more likely to reveal where an unwillingness to discuss axiology covers up, or leads to, ideological commitments.

Overall, consequentialism has good answers to the challenges raised to practice-independent theorising. But practice-dependent theories meet with objections too. Let me now show how consequentialists can deal with those.

Arguments Against Practice-Dependence

I think the central objection to practice-dependence is:²⁷

Normativity Gap: For practice-dependent theories, actual institutions and practices condition the content, scope and justification of normative institutional principles. However, such conditioning precludes a clear normative vantage point from which to recommend or critique institutions and practices.

Put simply, if we must start with existing practices, how can we get genuine normativity within practice-dependent theories? Practice-dependent theorists respond to this challenge in different ways. I give two examples here: immanent critique and Bernard Williams's political realism. Existing practice-dependent theories always seem to push us back to an external normative challenge: why should we prefer one

²⁵ Thanks to Sally Haslanger for this point.

²⁶ Sumner presents a good critique of the revealed preference account (Sumner 1996, chap. 5.1).

²⁷ There are further challenges. First, Erman and Möller (2016) argue that practice-dependent theories fail to carve out a separate theoretical approach different from practice-independent theories. Second, practice-dependent theories might bias us towards the status quo.

practice, and its internal normativity, over another? I argue that consequentialism tells a straightforward story to rise to the challenge.²⁸

Start with immanent critique:

An immanent critique of society is a critique which derives the standards it employs from the object criticized, that is, the society in question, rather than approaching that society with independently justified standards. (Stahl 2013a, p. 2)

Yet how far can we get with immanent critique? Immanent critique can be an important intervention of social criticism and might effectively motivate participants towards progressive improvements: see, by your own promises or avowed social norms, you are committed to this value, yet your current institutions and behaviour do not reflect this commitment. But a justificatory challenge remains were we to use immanent critique to do normative political theorising more generally. First, why is your being committed to some value itself a reason to act on that value? Are we not *bootstrapping* reasons?²⁹ Second, we would still need an external standard to tell us *which* of our commitments should be used for this intervention. For example, proponents of immanent critique, I presume, would not want us to admonish people to be more consistently sexist but to instead live up to our promise of equality. So, do we not ultimately require an external standard to help us select the commitments worth acting on?

Consider Williams-style Political Realism next. Bernard Williams argues that the normativity for political philosophy comes from politics itself (Williams 2005, pp. 1–17). For something to count as politics, it needs to at least minimally fulfil the Basic Legitimation Demand (BLD) which is, roughly, to provide a justification to those constrained by the exercise of authority. The BLD is not a separate moral principle but a principle that must be satisfied for anything to count as political or politics.

However, as Worsnip and Maynard argue, even if Williams succeeds in showing us that ‘politics’ implies the BLD—which already seems problematic—we still require a justification for respecting the BLD itself (Maynard and Worsnip 2018). Why should we go for ‘politics’ rather than something else? Why not opt for forms of social organisation that do not meet the BLD? The normative justification for fulfilling the BLD comes from the justification of engaging in politics to begin with.

²⁸ There are further proposals. First, some practice-dependent theories draw on external yet abstract moral principles. Their theories are still practice-dependent—or so the claim goes—because abstract principles only get specific and action-guiding content within real-life practices (James 2013; Ronzoni 2012; Sangiovanni 2008). Second, others argue that practices can overlap, which generates possibilities for emancipation and critique (Ronzoni 2009). Third, some argue that the normativity comes from the political concepts themselves, although this view overlaps somewhat with the political realist position below (Erman and Möller 2015, pp. 540–541).

²⁹ See Broome (2001) on bootstrapping in ethics.

So, while many norms and standards are internal to the practice, the practice itself still seems to require *external* justification.³⁰

Of course, proponents of immanent critique and political realism respond to such worries (Rossi and Sleat 2014; Stahl 2013b). My point here was merely to use these examples to show that consequentialism offers a comparatively straightforward answer to Normativity Gap: consequentialism incorporates what is plausible about Practice-Dependence, whilst also providing a clear and external source of normativity. Consequentialism acknowledges and endorses practice-internal normativity. But the ultimate justification for a practice, and its internal normativity, is still external. Some practices will do better than others in bringing about good outcomes. Through a theory of the good to rank those outcomes, consequentialism can tell us which practices to favour. Accordingly, consequentialism does not need to source its normativity entirely from within the practices—the normativity ultimately comes from what makes outcomes good or bad.

Conclusions

I started this article by outlining Practice Consequentialism as a framework for political philosophy. Good outcomes require good practices and institutions. Such practices and institutions, in turn, typically feature a practice-internal normativity, which is the proper locus for normative political philosophy. Practice Consequentialism provides a plausible framework to think about social practices and their role in political philosophy.

To support this general case, I argued that Practice Consequentialism accounts for central arguments in the Practice Debate. First, following common arguments against Practice-Independence, consequentialism accounts well for the role real-world practices play when formulating institutional principles, accounts for how principles can vary across relationships and empirical contingencies, and lowers the risk of ideological capture. Second, following common arguments against Practice-Dependence, consequentialism can both pay attention to practice-internal normativity whilst also providing a clear and external normative vantage point for normative theorising. The overall picture to emerge was that consequentialism's two-level structure captures moves on both sides of the debate. In a sense, this structure captures the best of both worlds: it is entirely practice-independent in its fundamental justificatory principle yet strongly practice-dependent in its downstream institutional principles, as those are about the practice-internal normativity of real practices and institutions.

As mentioned earlier, my methodological defence of consequentialism is relevant for a weaker view ('Social Beneficence') according to which bringing about more good is an important *pro tanto* consideration in normative institutional theorising. Adopting the rich, two-level structure defended here, Social Beneficence might go a long way towards meeting methodological worries.

³⁰ While not directly relevant for my argument, note that Woodard argues that utilitarianism provides a convincing external justification for legitimacy (Woodard 2019, chap. 8).

Let me end with two implications for consequentialist (and ‘Social Beneficence’) theorising in political philosophy.

First, placing greater weight on instrumental justification, political philosophy should seek a stronger connection with ethics in general and axiological theorising in particular. Some political philosophers claim that there is a clear separation between ethics and political philosophy and that the latter has its own kind of normativity. If my arguments here are correct, however, we should favour a close co-operation.

Second, my arguments suggest that political philosophy should be more strongly anchored in real life and empirical research. Consequentialism builds the connection with empirics into the theory, zooming in on practice-internal normativity and the expected effects of practices. My anecdotal impression is that some political philosophers can be a little cavalier about empirical evidence. Moreover, consequentialism can learn lessons from authors writing on Practice-Dependence: rather than doing ‘theory first, application second’, good instrumental justification builds empirics and interpretation of real-world practices into institutional theorising from the start. Methodologically and institutionally, this instrumental focus requires close co-operation with the empirical social sciences. Classical utilitarians might serve as an example. For example, Bentham, Mill and Sidgwick made serious efforts to contribute to our understanding of law, politics, policy and political economy, which they then integrated with a consequentialist approach to political philosophy (Bentham 1876; Mill 1848; Sidgwick 1887, 1891).

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Conflict of interest I declare that there are no conflicts of interest and that the submitted article complies with all of the publisher’s ethical standards.

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