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Politics for Angels

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Honors Project

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Politics for Angels

“If men were angels, no government would be necessary.”

-- James Madison, *Federalist Papers No 51*.

Abstract:

How many idealizing assumptions may we make when doing political philosophy? May we assume our citizens more rational than they are, or our governments more efficient than in reality? These questions lie at the center of the debate between ideal and non-ideal theorists. Ideal theorists believe it permissible to engage in counterfactual assumptions about citizens and states when doing political philosophy, and non-ideal theorists think the opposite. In this paper, I will argue against a particular defense of ideal theory given by David Estlund, who argues that the low probability that a standard of justice will be met does not count against that standard's plausibility. I will claim that we should reject this principle because if we do not, we will be committed to the view that no state is justified at all.

Introduction

In this paper, I will try to give a principled philosophical defense of the common sentiment that political theorizing must account for the real imperfections of human beings and their institutions. Since the publication of John Rawls' seminal *A Theory of Justice* in 1971, the debate over the extent to which political philosophers should abstract from the real world has intensified. Whether we choose to abstract or not bears heavily on our answers to the most fundamental

questions of political philosophy. The two sides of the divide will give distinct answers to questions of political legitimacy, the just distribution of resources, and the duties of citizens.

I will begin with an examination of a paradigmatic defense of abstraction provided by the philosopher David Estlund. David Estlund is among the most prominent defenders of the view that when formulating standards of justice or political legitimacy, we need not take certain facts about our non-ideal political or moral behavior in the real world into account. Estlund, for example, would say that the necessary and sufficient conditions for legitimate government are determined independently of the likelihood that the conditions will be met.¹ Estlund, along with many political philosophers who share his view about the independence of standards of justice from “the facts,” are often called ideal theorists.² Ideal theorists stand in opposition to non-ideal theorists, who argue that the principles and standards we formulate while doing political philosophy must be responsive to the imperfections of actual agents and their circumstances. The disagreement between ideal and non-ideal theorists captures some of what we mean when we accuse a theory of being “too idealistic” or “utopian”.

In considering Estlund’s arguments, I will provide a brief overview of the literature surrounding the dispute between ideal and non-ideal theorists. Later, I will reject Estlund’s argument, providing my own qualified argument for non-ideal theory. I intend to show that when formulating our theories of justice, we ought to disregard some standards on the basis of the low chance that they will be met. Roughly, I will attempt to demonstrate that insofar as we are committed to the justified existence of a coercive state, we must be non-ideal theorists.

I.

¹ Estlund, David. “What’s So Rickety? Richardson’s Non-Epistemic Democracy.” *Philosophy and Phenomenological Research* 71, no. 1 (2005): 208.

² Wiens, David, “Will the Real Principles of Justice Please Stand Up?” in *Political Utopias*, edited by Kevin Vallier and Michael Weber. New York: Oxford University Press, 2017.

A particularly interesting defense of ideal theory is given by Estlund in his piece, “What’s So Rickety? Richardson’s Non-Epistemic Democracy.” At issue in “What’s So Rickety” is a particular objection to a standard of political legitimacy which appeals to the tendency of democratic processes to make well-informed decisions. The view that what legitimates democracy is its epistemic advantages is usually called “epistemic democracy.” The general idea behind such a view is that democratic governance is uniquely good at “outsourcing” decision-making to a large group of citizens, and that this strategy has epistemic advantages over other types of political organization. However, democracies have been notoriously criticized for their epistemic flaws. As far back as Plato, philosophers have maligned democracy for embodying the tyranny of the ignorant multitude, and many think there is little reason to suppose that democracies track the truth when it comes to policy decisions.³ But according to Estlund, even if it is unlikely that an epistemic standard for democratic legitimacy will be met, this improbability is not a legitimate objection to the theory *per se*.

Estlund is responding to a particular argument given by Henry Richardson, but it appears that Richardson’s worry is shared by many political theorists, and Estlund observes that, “even if it is granted that there is an answer (to political questions), there is much skepticism about the ability of democratic processes to do very well at finding it.”⁴ If we are doubtful that democratic decision-making will produce the proper answers to difficult questions, it seems natural to think that an account which rests upon the ability of democracy to do just that is in hot water. Richardson also seems to have principled reasons to believe that the epistemic circumstances of real democratic polities are quite bad. Citizens are beset on all sides by demagoguery, political

³Plato, Huntington Cairns 1904-1985, and Edith Hamilton 1867-1963. *The Collected Dialogues of Plato Including the Letters*. 13th print., with corrections. Ed. Vol 71. Princeton N.J.: Princeton University Press, 1963, 488a-488e.

⁴ Estlund, “What’s So Rickety? Richardson’s Non-Epistemic Democracy,” 204-205.

hucksterism, and intentional misinformation. In addition, there are powerful arguments that, given the high cost of informing oneself about the relevant political issues, combined with the relatively slim chance that one's individual vote will play a difference-making role in a democratic decision, it seems plausible to claim that the most rational thing to do is to remain ignorant. Estlund admits that, "the idea that democratic institutions have a tendency to produce good decisions seems to fly in the face of what we know about the deficiencies of existing and likely democracies."⁵

Estlund, perhaps surprisingly given his commitment to the epistemic value of democracy, grants that real democracies perform very poorly in these regards. However, he is not willing to admit that these flaws constitute flaws in the standard of legitimacy he has proposed. Estlund thinks that Richardson has not given an answer to the question that really matters; Richardson has shown that an epistemic standard would be demanding or "unrealistic", but he has not shown an epistemic standard to be *unreasonably* demanding. Estlund writes, "a normative conception of democracy is free to hold people and institutions to certain standards even if they do not meet them."⁶ Estlund thinks that this causes other problems for Richardson's view, but the details of those arguments go beyond the scope of this paper.

It seems the disagreement between Estlund and Richardson can easily be viewed as an instance of the debate between the idealist and the non-idealist, but Estlund makes some interesting comments in his response to Richardson that warrant a closer look. First, he clarifies that, "merely demanding more than what is actually the case is not always demanding too much."⁷ This distinction is important to Estlund. One may plausibly object to a theory on the grounds that it is *impossible* to satisfy, but this is not the same thing as being currently unsatisfied, or even extremely

⁵ Estlund, "What's So Rickety: Richardson's Non-Epistemic Democracy," 208.

⁶ Estlund, "What's So Rickety: Richardson's Non-Epistemic Democracy," 208.

⁷ Estlund, "What's So Rickety: Richardson's Non-Epistemic Democracy," 208.

difficult to satisfy. We must be careful, thinks Estlund, not to confuse impossible standards with standards that will almost certainly not be met. The former may give us good grounds to look elsewhere, but the latter do not pose a problem on the idealist's view. Richardson, and other non-ideal theorists who think that the epistemic standard demands too much, will have to sustain the harder claim that it is *impossible* to meet the epistemic standard. Estlund summarizes his view nicely by saying that, "My point is that if it is no deficiency in a standard that it is very unlikely to be met, then it is certainly no deficiency in a standard that it is less likely to be met than some other standard."⁸ Putting Estlund's claim in the context of democratic legitimacy, if non-epistemic democracy is more likely than epistemic democracy to give us the result that our governments are legitimate, this is not something that can count against an epistemic standard.

Estlund makes similar claims elsewhere, notably comparing theorizing about justice and legitimacy to theorizing about morality. In "Epistemic Proceduralism", he notes that "Moral philosophers know that people are likely to lie more than they morally should, but this doesn't move many theorists to revise their views about when lying is wrong."⁹ If the actual non-ideal moral behavior of the agents to which our theorizing applies makes it look like they will often be in violation of a standard prohibiting lying, we do not take this as a good reason to be more permissive towards intentional falsehood. If political theorizing is no different in kind from moral theorizing, then why should we be more concerned with "realism" when making political claims than when we make moral claims? Again, Estlund writes, "it is hard to see. . . why political theorists would be in the grip of what we might call utopophobia -- the fear of normative standards for politics that are unlikely to be met."¹⁰ This unjustified fear of unlikely standards has limited

⁸ Estlund, "What's So Rickety: Richardson's Non-Epistemic Democracy," 209.

⁹ Estlund, David. "Epistemic Proceduralism and Democratic Authority", In *Does Truth Matter? Democracy and Public Space*, edited by Ronald Tinnevelt and Raf Greenens. Dordrecht: Springer, 2009, 21.

¹⁰ Estlund, "Epistemic Proceduralism and Democratic Authority," 22.

our ability to fully conceptualize and productively revise our theories of justice, and Estlund clearly believes it is a fear we must shake off.

Estlund's arguments as they are presented in the preceding paragraphs are somewhat subtle, so we might do well to make them more explicit. First, he has acknowledged that if a standard includes or entails impossible demands, it is an illegitimate standard.¹¹ However, he was careful to distinguish between impossible and improbable demands. If a standard includes or entails improbable demands, then it is still possible that this standard is the correct one. Furthermore, it seems as though the epistemic standard for democracy resembles a standard which makes improbable demands, so objection on the grounds that it is unlikely that democratic polities will be epistemically well-equipped is no objection to the theory. What reason does Estlund give to believe this second claim? As we have just seen, Estlund points to examples of *moral* standards that would be improbably met, such as the prohibition on lying. In the case of moral theory, we do not take the likelihood a moral obligation or prohibition will be obeyed into account, so this likelihood should not count against normative political theories either. This claim relies on the further claim that normative political theorizing and moral theorizing are not different in kind, a claim which many non-ideal theorists will dispute.¹² Taken together, these considerations (the distinction between impossible and improbable standards, the similarities between normative political theory and moral theory, and the myriad of moral standards that go, for the most part, unmet) it seems we are pointed in the direction of Estlund's conclusion: The low chance that a normative political standard will be met cannot serve as a legitimate objection to that standard.

II.

¹¹ Examples of this kind of standard would be a moral theory that requires one to do two things at once, or to be perfectly knowledgeable about future events.

¹² Valentini, Laura., "Utopophobia vs. Factophobia" in *Political Utopias*, edited by Kevin Vallier and Michael Weber. New York: Oxford University Press, 2017.

Estlund's argument looks convincing on first pass, but I think we have good reasons to think it is suspect. The main contention of Estlund's response to Richardson is that we ought to treat *improbable* standards as different from *impossible* standards. We have reasons to avoid impossible standards, but no reason to avoid improbable standards. Since it looks improbable rather than impossible that we will meet Estlund's epistemic requirements for political legitimacy, it seems to follow that we have no *prima facie* reason to avoid Estlund's epistemic standard. Additionally, if it is no deficiency in a standard that it will likely go unmet, then it is no advantage in a standard that it is more likely to be met than alternatives.¹³

Are any of these claims suspicious? It certainly seems right that an epistemically well-equipped democratic polity is possible, and it is easy to see why Richardson's objection to Estlund's epistemic standard would be best characterized as a charge of implausibility rather than impossibility. Estlund also seems justified in claiming that a charge of impossibility is much harder to sustain than a charge of improbability, although granting him this point does not commit us to the view that improbability is unproblematic. Furthermore, it seems true that if we accept that improbability is unproblematic, and Richardson's objection is that the standard will likely go unmet, we are committed to concluding that Richardson's objections fall flat. It appears, then, that we will have to challenge the claim that the improbability of a standard is not itself a problem with that standard. One way to understand this claim, and the way Estlund presents it, is as distinguishing impossible and improbable demands. Call this premise the "utopic principle." What argument does Estlund provide in support of the utopic principle?

The utopic principle's plausibility seems to depend, in large part, upon what we mean when we say that a standard of justice is impossible. It would be a mistake to confuse impossible

¹³ Estlund, "What's So Rickety? Richardson's Non-Epistemic Democracy," 209.

standards with those that are extremely unlikely, or even with standards that we *know*, in the strong sense, will not be met. We may have overwhelming justification for the belief that democracies will never be epistemically equipped in the way that Estlund prescribes, but this is not justification for the belief that it is impossible for democracies to meet an epistemic standard. He gives a nice example of this difference when he describes how it would be possible to “dance like a chicken in front of your boss,” even though we plausibly have overwhelming justification for the belief that we will never do such a thing.¹⁴ Estlund does not spend much time in the metaphysical weeds cashing out just what it is for a standard to be impossible to meet, so we will assume that he uses the word in the way philosophers traditionally do.¹⁵ According to philosophical orthodoxy, something can be impossible in a number of ways. In the first place, a proposition can be logically impossible, which means that it is self-contradictory, or entails a contradiction. For instance, it is logically impossible that there exists a married bachelor, or a square circle. Alternatively, a proposition can be physically, or nomologically impossible, which means that it is impossible given the laws of nature. For instance, we might have reason to suppose that travel at speeds faster than the speed of light is impossible, not because it is logically contradictory, but because it is precluded by our best physical theories. These are coarse-grained accounts of impossibility, and metaphysicians would probably be inclined to revise them in various ways. Nonetheless, they seem sufficient for our purpose here. To put Estlund’s point in these slightly revised terms, we can say that a standard of justice is possible to the extent that it neither involves a contradiction nor is inconsistent with the physical laws of our universe. Roughly, Estlund is saying: suppose we grant that we can know that an epistemic standard will not be met. So What? This falls far short of

¹⁴ Estlund, “Epistemic Proceduralism and Democratic Authority,” 22.

¹⁵ There is good evidence that Estlund intends to use “impossible” this way. See Estlund, “Epistemic Proceduralism and Democratic Authority,” 22.

showing that it is impossible, and this latter task would need to be completed in order to provide a principled objection to epistemic democracy.

Much of the support for the utopic principle seems to come from an argument from analogy that compares normative political theorizing to normative theorizing in general. We do not think that the imperfection of actual moral agents bears on the principles of morality, so why should we think the imperfections of actual political agents bear on the principles of justice? Estlund quite plainly claims that, “Thinkers about political philosophy are, for some reason, more concerned with ‘realism’ than are thinkers about moral philosophy in general.”¹⁶ There is a sense in which it is arbitrary to hold political theorists to a standard that moral theorists disregard. In order for Estlund’s argument from analogy to work, two things must be true.

First, it must be the case that political theorizing and more general normative theorizing are similar. If the aims, norms, or use of normative political theory differ significantly from those of moral theory, then an analogy that compares the two is of dubious value to Estlund. Second, it must be true that moral theorists actually do ignore the probability that a moral requirement will be met. I want to be careful here to distinguish between claims about what the norms are and what they ought to be. Estlund is not just claiming that moral theorists ignore the improbability of the standards they set, but that they are justified in doing so. The more precise thought undergirding the analogy is that if moral philosophers are justified in ignoring the imperfect features of the world, then so are political theorists.

I will say more about whether political and moral theory differ significantly in the next section when I develop my own view, so we will confine ourselves to an examination of the claim that moral theorists are justified in ignoring the imperfections of moral agents in the real world. I

¹⁶ Estlund, “Epistemic Proceduralism and Democratic Authority,” 21.

am not confident that moral theorists themselves share Estlund's view. Moral theories which set very high standards are often labeled as implausible. In fact, a common objection to act-consequentialism is that it is *too demanding*. Since traditional act-consequentialist moral theory says that we must perform the act that maximizes the good among all possible actions, only one option in a given situation is permissible. The demandingness objection is motivated by the fact that this feature of act-consequentialism probably entails that we are almost always acting immorally, since it seems unlikely that any of our actions are optimal with respect to all their consequences. For example, the act-consequentialist position entails that if I do not make the choice of breakfast cereal that has the *best* consequences among *all* alternatives, I have acted wrongly. Another way to think of the objection is to compare two imaginary moral theories. The first moral theory says that among all actions that humans perform regularly, about 15% are morally permissible. Compare this to a second moral theory, which puts the percentage of permissible actions at around .001%. Part of what I take the demandingness objection to be saying is that there is something worrisome about the second number just *because* it is so low. There are a number of ways to express and respond to the demandingness objection, but it looks far from settled that morality really ought to be unconcerned with providing room for imperfection. Does this mirror Richardson's objection to Estlund?

It looks to me like we can construe the demandingness objection to act-consequentialism such that it very closely resembles Richardson's objection to epistemic democracy. Both objections concern the chance a given agent (governmental or moral) has of complying with a standard. In both objections, the motivation seems to be that the proposed standard makes the agent's chances of fulfilling some requirement problematically low. In the case of act-consequentialism, we think that more of our actions are right or morally neutral than the theory

seems to entail. In the case of Estlund's epistemic standard, we think less is required of a legitimate government than Estlund suggests. If this is the case, I think we have good reason to doubt that moral theorists are as unconcerned with the imperfections of actual agents as Estlund seems to think. We have seen that this claim must be true for the argument from analogy to work, so it looks like Estlund's argument might face a problem.

Of course, the observation that moral theorists sometimes do seem concerned with the actual imperfections of moral agents is not a knock-down objection to the argument Estlund gives in "What's So Rickety." Although his claim that moral theorists do not pay much mind to the failings of the objects of their theorizing seems false, it may still be plausibly replied that the demandingness objection to act-consequentialism is misguided. I am not prepared to grant that the demandingness objection fails, but it might be informative to turn to the other similarity between political and moral philosophy (similarity of purpose) which Estlund's analogy needs to gain ground. In doing so, we will see there are significant dissimilarities that give us compelling reason to avoid overly-ideal ideal theory.

III.

In this section, I will switch from an evaluation of Estlund's argument to the more difficult task of advancing an independent qualified argument for non-ideal theory. I intend for my argument to show that we must be able to discount standards on the grounds of their improbability if we wish to maintain that a coercive state is justified at all. As I mentioned earlier, the other condition for a good analogy between moral and political philosophy was the requirement that the two domains have similar aims. In other words, a comparison between the behavior of theorists in different domains is useful only insofar as the domains have similar goals, and the behavior

employed in the pursuit of those goals is of the same kind. A biologist does not defend his sloppiness by appealing to the carelessness literature professors show towards statistical method. To consider a more realistic example, a social scientist will not defend her unsubstantiated research by appealing to the professional standards of political philosophy. One domain seeks to investigate the empirical features of our political life, the other confines itself to the theoretical. The differences in methodology and the disparate goals of their investigation make an appeal to the other's standards irrelevant. Do differences of this kind exist between political philosophy and more general moral theorizing? Are political philosophers and moral theorists trying to answer the same types of questions?

I believe there is a significant difference between moral and political philosophy. Insofar as political philosophy involves recommendations about how to organize governments, political theories will have to give convincing answers to certain questions that moral theorists *may* be justified in ignoring. In many respects, the constraints political and moral theories face are similar. A political or moral theory must be internally coherent, generally comport with our intuitions about right and wrong, and be mindful of the principle that ought implies can.¹⁷ But I hold that there is a deeper constraint, one unique to political philosophy, that precludes ideal theorizing. To understand this constraint, we will have to consider why political philosophers theorize in the first place.

The remarks made by political philosopher Robert Nozick at the start of his now-famous *Anarchy, State, and Utopia* are a good place to start. Nozick writes, "The fundamental question of political philosophy, one that precedes questions about how the state should be organized, is whether there should be any state at all. Why not have anarchy? Since anarchist theory, if tenable,

¹⁷ Valentini, "Utopophobia vs. Factophobia," 14.

undercuts the whole of political philosophy, it is appropriate to begin political philosophy with an examination of its major theoretical alternative.”¹⁸ Following Nozick, it seems a good political theory will be one that can give us a satisfactory answer to the question of why we ought to have a state in the first place: it must be capable of responding to the anarchist’s challenge.¹⁹ This is *not* to say that we should dismiss anarchy as a matter of methodology, or that we should begin political philosophy with the assumption it is false, nor should it be interpreted as the claim that anarchists are not “doing” political philosophy. Instead, what I am suggesting is that insofar as one is trying to come up with the necessary and sufficient conditions for a justified coercive state, it would be puzzling for one’s proposal to fail to answer the question of why such a state should exist at all. Idealization of the kind that Estlund employs in “What’s So Rickety” and elsewhere leave us ill-equipped to do just this.²⁰

To continue Estlund’s analogy with morality, it would be as if a substantive normative ethical theory turned out to have the result that no actions were morally required or prohibited. It seems that we would have good grounds to conclude that such a moral theory is fundamentally defective because it fails to do what normative ethical theories are supposed to do. Moreover, this rejection is not contingent upon the supposition that moral skepticism is obviously false: if moral skepticism were correct, we should not be constructing first-order theories of morality in the first place. In the same way that prohibiting or requiring at least some actions is a desideratum of moral theories, justifying at least some kind of state sounds like a plausible desideratum of theories of

¹⁸ Nozick, Robert. *Anarchy, State, and Utopia*. Oxford: Blackwell, 2017, 4.

¹⁹ More on this later.

²⁰ I recognize that political philosophers outside of the contemporary liberal tradition will object to this characterization. All I can offer in response to this objection is the observation that the debate among ideal and non-ideal theorists appears to be conducted mostly within this tradition.

democratic legitimacy. If a theorist sets out trying to defend epistemic democracy and winds up with the conclusion that no state is justified, they have gone wrong somewhere.

To see why idealization endangers our ability to answer the question of when a state is justified, imagine that while theorizing about political philosophy, I stipulate that all potential citizens of my imaginary scenario are morally perfect. Whenever it is within their power and they have the relevant knowledge, my angelic citizens will do the right thing. Ideal theorists often appeal to something like this, construing it as the assumption that citizens will fully comply with any laws or government directives. My version of the full-compliance stipulation is stronger in order to illustrate its problems, but the basic idea is the same.

How will this stipulation bear on the answer to the question of whether a state is justified at all? There is good reason to believe the only justified government for angels would be an extremely minimal one, and perhaps no state at all. To see why, consider the usual justifications for the existence of a state. Social contract theory is perhaps the most prominent attempt to answer the question of why a coercive state is justified. The general thought undergirding most social contract theory is that certain unattractive features of prepolitical life make submitting to the coercion of a state the most rational thing to do. Prepolitical life is unattractive due to the constant threat of violence and abuse at the hands of other people. Thomas Hobbes' famous state of nature, the "war of all against all," can be understood as a conceptual tool to make these imperfections obvious. In *Leviathan* he writes, "in the nature of man, we find three principal causes of quarrel. First, competition; secondly, diffidence; thirdly, glory."²¹ The tendency of prepolitical agents to

²¹ Hobbes, Thomas. "Leviathan." In *Political Philosophy: The Essential Texts*, 1st ed., 3:309–44. New York, NY: Oxford University Press, 2015.

become violent and seize the property of others is, in Hobbes' view, what makes political organization and submission to coercion appealing.²²

Since all of these justifications are based on the imperfect behavior of other human beings, the stipulation of angelic behavior on our part should make them irrelevant. If my idealized, angelic, agents always do the right thing, then we have no reason to need a central authority to compel them to respect their compatriot's rights; they will do so naturally. This result, however, is deeply counter-intuitive. In fact, structuring society with the assumption that no one will ever do any wrong seems like a recipe for disaster. Surely, we want to respond by saying that the stipulation that everyone does the right thing all the time is less reasonable than the stipulation that voters are well informed. Maybe so, but Estlund's arguments seem to make this response impossible. Recall that Estlund carefully distinguished between improbable and impossible standards. According to him, we have reason to avoid impossible standards, but no *prima facie* reason to avoid improbable ones. The problem is that the stipulation that our society is made up of angels is clearly *merely* improbable. The chances everyone will *actually* do the right thing all the time are astronomically slim, but Estlund has already argued that slim chances are not reasons to doubt a standard *per se*. It looks like we must accept that the proper state is none at all, perhaps barring cases in which certain kinds of coordination by a neutral third party is necessary.

I want to make two things clear about this consequence of Estlund's view. First, this is not a result that Estlund himself will accept. We should keep in mind that Estlund's argument in "What's So Rickety" was meant as a defense of the legitimacy of a democratic state. The puzzling

²² It might be argued that Hobbes thought moral rights only existed after the foundation of a commonwealth, so it is inaccurate to say that he was pointing to a moral flaw in humans in the state of nature. This may be right, but what is unambiguous in Hobbes' work is his belief that the state of nature is very bad for all involved, and that this is the motivation for the formation of the state. My idealized agents would just not act in the way that causes life before the state to be "nasty, brutish, and short."

result of our idealization was that no state is needed, so unless there is some independent reason to reject our idealization that citizens are morally perfect, we have shown that ideal theory undermines Estlund's own theory of legitimacy. Of course, it is still open to the ideal theorists to give a reason independent from likelihood that the idealization is improper, but we have seen that improbability, by Estlund's own lights, is not available as an objection. Second, the conclusions we should draw from this argument go beyond Estlund's epistemic democracy and tell us something valuable about political philosophy in general. A satisfying theory of a legitimate state must take into account at least some imperfections in the human being about which it theorizes, otherwise political philosophy cannot get off the ground.²³ Failing to account for the imperfect behavior of citizens will preclude any democratic theory at all, since we will just arrive at the conclusion that a coercive state's very existence is unwarranted.

To sum up the argument thus far: the same arguments that Estlund has used to defeat objections to his idealization concerning epistemic behavior can be used to justify the conclusion that no state ought to exist in the first place. We can conclude from this that certain kinds of idealization endanger the entire project of political philosophy insofar as it calls into question the justification for any state at all. To lose sight of our flaws is to lose sight of the fundamental goal of political philosophy: the justification of the existence of the state, whatever that state may look like. Insofar as we are committed to the position that anything other than an extremely minimal state is justified, we must reject Estlund's argument that the likelihood of a standard being met is not an objection to the standard. I will now move to considering several objections to my view.

²³ I am here following Nozick's thinking that "Anarchist theory, if tenable, undercuts the whole subject of political philosophy." The motivating idea here is that political philosophy concerns which relations of citizens to state are justified, and that this whole project is undermined if we begin with the assumption that no relations of the kind political philosophy seeks to justify are, in fact, justified. This problem seems analogous to normative moral theorizing insofar as we must believe there are at least some moral truths in order to do normative ethics.

First, the most obvious objection to the argument as it stands is to point out that I have given a reason not to idealize about the moral behavior of political agents. It may yet be possible that we are justified in idealizing about the epistemic qualities of citizens in our hypothetical polity. Such a response is misguided. Notice that my strategy was to show that the *argument* Estlund provides in “What’s So Rickety” has consequences he would not accept. I pointed out that the stipulation that all citizens were morally perfect met all of the criteria provided by Estlund for a reasonable standard. A successful objection to my view cannot simply point out that I have proven a different standard implausible, it must acknowledge either that we may discount certain idealizations on the basis of their likelihood, or that there is some reason independent of probability to reject the citizen-angel stipulation.²⁴ Moreover, I should note in response to this objection, I am not, in principle, opposed to some level of idealization; what I *am* opposed to is Estlund’s defense of his idealization. My argument simply shows we must allow improbability of *some level* to count against a standard if we want to do any political philosophy at all.

A second objection might be to say that once we have opened the door to rejecting a standard on the basis of improbability, we allow counterintuitive consequences in the other direction. If we allow standard A’s higher likelihood to make it more appealing than standard B, won’t we just be letting people off with worse behavior? Estlund makes a point like this in “What’s So Rickety” when he is comparing moral philosophy to political philosophy. Won’t our admittance that a sufficiently unlikely standard is *prima facie* unappealing commit us to unsavory moral conclusions? It is extremely unlikely that human beings will forgo murdering one another. Is this reason to think that a standard prohibiting murder is too demanding? First, we might respond by

²⁴ One account of an independent reason not to stipulate perfect moral behavior might depend upon certain species of moral anti-realist views. If there is no fact of the matter regarding what it is right to do, then we cannot stipulate that everyone will do the right thing. Estlund will certainly not accept this reason, nor will most political philosophers committed to justifying the state.

denying that the fact that some standard A's higher likelihood is a reason to prefer it to standard B. This seems wrong in cases where both standards are relatively likely. The fact that a standard is very slightly more likely should not provide us with even a *pro-tanto* reason to adopt it. Instead, what we should say is that there is some level of demandingness that makes a standard implausible. Precisely what this level should be is a difficult question, and one which I cannot possibly settle here. But this proposal does seem to deal with some of the more egregious consequences of the view that improbable standards should be discounted: for example, it may prevent the principle from entailing that a moral injunction requiring that one never kill for no reason is less plausible than one that requires us to refrain from killing for no reason only some of the time. But beyond this response, I think there is another available to the non-ideal theorist. The claim of Estlund's I have been disputing is his assertion that it is *no* objection to a standard of justice that it is unlikely. If we reject this claim, we are still free to think that it is only *some* objection to a standard, and often not a decisive one, that it is unlikely. In the case of murder, it seems like even if it is highly improbable that a moral standard prohibiting murder, the extreme moral badness of murder would outweigh even an incredibly slim chance that the standard will be satisfied. In the case of Estlund's epistemic standard, I do not mean to settle the question of whether it is, on balance, justified. I mean only to show that it should at least count against the standard that it is very improbable. These two replies together seem to increase the plausibility of a rejection of the utopic principle.

Finally, I will consider an objection related to a possible justification of the state that I mentioned earlier. In some cases, it seems that problems of coordination may justify the state's existence. Perfectly morally compliant citizens may still need to be organized in certain ways to avoid negative externalities and solve collective action problems. I am prepared to grant this point, but it does not do much to help the ideal theorist. Whatever the coordination the state partakes in

for its ideal citizens, the interference and coercion involved will be minimal. In the case of “tragedy of the commons” style scenarios, we could imagine that the state’s role would be merely to assign property rights, and nothing more. Since we have idealized enough to guarantee the perfect moral behavior of citizens, we can rest assured that they will all perfectly comply with the distribution of property rights the state chooses in order to solve the problem. A state that exists solely for the purposes of coordination will not be sufficient to justify the kind of democratic state Estlund has in mind. Only the staunchest of libertarians would be satisfied with a state organized purely to coordinate morally perfect citizens.

IV.

What I have tried to argue in this paper is that if we wish to theorize about which kinds of states are justified, we must accept that some standards are too improbable to be correct. This conclusion stemmed from the observation that one of the foundational assumptions of political philosophy is that a state is needed to prevent citizens from harming and wronging one another. Idealization of the kind Estlund and ideal theorists use to defend improbable assumptions about human behavior can preclude giving an answer to this fundamental challenge of political philosophy that most liberal political theorists will accept. Despite what I see as progress, many questions surrounding ideal and non-ideal theory remain. How much, if any, idealization is permissible when theorizing about justice? How could a standard for permissible idealization be set? Which other aspects of political philosophy and moral philosophy are analogous, and what do these analogous features tell us about the nature and purpose of these branches of philosophical investigation? Whatever the answers to these questions might be, it seems a step in the right

direction to acknowledge that human beings are flawed, and that our answers to the most complex political questions must remain cognizant of these flaws.

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