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Lisa H. Schwartzman
Michigan State University, lhschwar@msu.edu

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Lisa Schwartzman

Abstract

Lisa Tessman's *Moral Failure: On the Impossible Demands of Morality* raises important questions about ideal theory, oppression, and the role of action-guidance in normative philosophy. After a brief overview of feminist and anti-racist philosophers' critiques of ideal theory, I examine Tessman's claim that nonideal oppression theorists focus too narrowly on action-guidance and thereby obscure other important normative issues, such as the problem of moral failure. Although I agree with Tessman's advocacy of a wider focus—and with her suggestion that situations of inevitable moral failure are particularly important to examine in contexts of oppression—I question whether nonideal oppression theorists actually emphasize action-guidance to the exclusion of other concerns. I conclude with a brief examination of the way that ideal and nonideal theory have been defined and understood in debates about normative methodology, and I suggest that a move away from Rawls's account of the ideal/nonideal distinction would benefit feminists and other oppression theorists.

Keywords: ideal theory, nonideal theory, Rawls, oppression, idealization, action-guidance

I. Introduction

In *Moral Failure: On the Impossible Demands of Morality*, Lisa Tessman (2015) offers a brilliant and thought-provoking analysis of the problem of moral failure. In contrast to deontologists who hold that there can be no genuine moral dilemmas (since "ought implies can"), and in contrast to consequentialists who hold solutions to moral problems can be calculated, Tessman argues that there are situations in which moral failure is inevitable and that such scenarios are ripe for philosophical examination. In exploring this issue, she draws on recent work in psychology and experimental philosophy, and she brings into dialogue theorists from a range of disciplines and perspectives. She ultimately develops an insightful account of this much overlooked aspect of moral life, and her work has important implications for feminists and others concerned with ethics and social theory.

In my commentary, I focus on Tessman's remarks about ideal and nonideal theory, and in particular on her chapter, "Idealizing Morality." Although Tessman supports the work of "nonideal" oppression theorists—and she by no means endorses the sort of "ideal" theorizing touted by John Rawls and his followers—she raises some concerns about the work of these theorists. I begin with a brief overview of problems of ideal theory that have been raised by feminist and anti-racist philosophers. Next, I examine Tessman's claims that nonideal oppression theorists are too narrowly focused on the issue of action-guidance, and that they don't leave adequate room for addressing other important normative issues, such as the problem of moral failure. Although I agree with Tessman's advocacy of a wider focus—and with her suggestion that situations of inevitable moral failure are particularly important to examine in contexts of oppression—I question whether nonideal oppression theorists actually emphasize action-guidance to the exclusion of other concerns. Finally, I conclude with a brief examination of the way that ideal and nonideal theory have been defined and understood in debates about normative methodology, and I suggest that a move away from Rawls's account of the ideal/nonideal distinction would benefit feminists and other oppression theorists.

II. Ideal vs. Nonideal Theory and the Oppression Critique

Although there are a variety of approaches to political philosophy, the methodology proposed and employed by John Rawls is one of the most prominent, at least among contemporary analytic philosophers. Shortly after the 1971 publication of *A Theory of Justice*, feminist philosophers and race theorists began to question the relevance and application of an account of justice that focused so heavily on an abstract thought experiment and a well-ordered society, with parties in the original position ignorant of their race, class, and perhaps their gender. Our society is plagued by deeply entrenched structures of racial domination and violence that affect access to economic, political, and social power for members of racial minority groups. And women specifically are the targets of sexual violence, harassment, and discrimination which are compounded by lack of access to economic resources. Although Rawls's work was published during the height of various activist movements—including the Civil Rights Movement, the Black Power Movement, the Women's Movement, and the Anti-War Movement—his work barely acknowledges this political context. While some feminists, race theorists, and progressives have embraced Rawls, others have faulted him for these important omissions, arguing that political philosophy must start with a clear understanding of social structures of power. Rawls's theory fails to do this in part because of his method, which begins in the "original position," a thought experiment that does not include gender, race, or other forms of systemic oppression.

One of the first philosophical essays to detail the problems with Rawlsian-style ideal theory as it pertains to oppression was Charles Mills's 2005 essay, "'Ideal Theory' as Ideology." Drawing on Onora O'Neill, Mills notes that all theorizing involves abstraction (since it requires generalization), and he points out that all normative philosophy appeals to some kinds of values and ideals. According to Mills, it's not the use of abstraction itself—or even the use of ideals—that defines what he calls "ideal theory." Rather, "what distinguishes ideal theory is the reliance on idealization to the exclusion, or at least marginalization, of the actual" (Mills 2005, 168). Instead, idealization involves (1) a descriptive component, which involves attributing to agents in the theory capacities that actual agents lack (such as perfect rationality or self-knowledge), and (2) a normative component, which involves modeling how people *should* be and act, and "how society should be structured" (167–68). Objecting to the descriptive idealization, feminists and others have argued that Rawls's original position seems to describe human agency in a way that is false and misleading. Unlike the parties in the original position, people are not essentially rational choosers, interested only in promoting their own interests (or in maximizing their share of primary goods), and they are generally not able to bracket off important personality features or social group memberships in making such choices. Not only is this a false and distorting account of the personalities, traits, and abilities of most actual humans, but it also suggests that those least affected by group membership and oppression should serve as the basis for generalization.

Second, feminists and other oppression theorists also criticize the normative idealizations implicit in Rawls's theory, arguing that the model of an independent, able-bodied, unencumbered individual making choices is not an appropriate ideal to which people should aspire. In her feminist analysis of various models of ethics, Margaret Urban Walker calls the ideal posited by Rawls "the career self," since the ideal citizen is imagined as aiming to maximize primary goods in accordance with their rational plan of life (2003, 194). Yet, Walker notes, "The autonomous individual as the striving career self was never a self-ideal intended for women," nor is it attainable for "many of those who are poor, chronically sick, very seriously disabled, or those who are objects of other's [*sic*] domination or control" (2003, 196–97).

Although much has been made of the problem of idealization in ideal theory, recall that the mere existence of either descriptive or normative idealization is not itself the problem, nor is it what defines ideal theory according to its critics, such as Mills. As noted above, for Mills, ideal theory is defined by "the reliance on idealization to the exclusion, or at least marginalization, of the actual" (2005, 168). Thus, the problem is that the theory focuses too much attention on abstract idealizations and not enough on the actual society in which the theorizing occurs, and to which the theory is supposed to be applied. It is no wonder, Mills notes, that "historically subordinated groups" tend to be "deeply skeptical of ideal theory" and

that they “generally see its glittering ideals as remote and unhelpful. . . . Given this convergence in gender, class, and race theory on the need to make theoretically central the existence and functioning of the actual *non*-ideal structures that obstruct the realization of the ideal, what defensible arguments for abstracting *away* from these realities could there be?” (2005, 170).

Underlying these debates over methodology is the question, which Tessman raises explicitly, “What do we want in a normative theory?” (2015, 175). She explains, “One thing that I want from normative theorizing is for it to enable me to witness and comprehend, rather than evade, the failures of morality. . . . I think that truly recognizing the fact of oppression entails acknowledging the associated failures of morality” (175). Throughout the book, Tessman notes that while dilemmatic situations can occur for a variety of reasons, people who are oppressed—and in particular, those who are negatively affected by multiple intersecting forces of oppression—are more likely to find themselves in “double-bind” situations where moral failure is inevitable. For instance, Tessman offers the example of an abused woman who has a child and who is financially dependent on her abusive partner. In choosing to stay with her partner (out of financial necessity), this woman fails to protect her child from abuse. Tessman explains, “The damage inflicted on the child may remain, irreparable; the mother may experience, forever after, an impossible-to-fulfill moral responsibility to repair the damage” (179). While one might argue that the woman made the wrong choice, this fails to take seriously the dire economic circumstances (and the added risk of violence that women endure in attempting to leave their abusive partners).

A feminist who does understand these risks and constraints might argue that the woman’s lingering sense that she has failed to protect her daughter is not indicative of moral failure. But this response simply assumes that the moral “remainders” are not real. As Tessman argues throughout her book, denying the existence or effects of genuine moral dilemmas allows moral theorists to proceed as if these problems have simple solutions, and as if oppression does not have long-lasting (and, at times, irreversible) negative impacts. Moreover, the dilemmatic situations created by oppression affect both individuals and those working to change larger social and political structures. For example, the decision of an activist organization to accept corporate or government funding can lead to a moral dilemma: accepting the funds could restrict the extent to which the organization can challenge structures of power, but not accepting them could lead to the organization’s demise. Structures of power and oppression often place people in situations where moral failure is unavoidable, and Tessman is right to argue that such situations are ripe for feminist analysis. In the next section, I explicitly address the issue of action-guidance in nonideal theory, and I argue that nonideal oppression theorists are not as narrowly focused on action-guidance as Tessman

claims, and that their work is more consistent with her analysis than she acknowledges.

III. Nonideal Theory and the Role of “Action-Guidance”

In the decade since Mills published “‘Ideal Theory’ as Ideology,” a number of philosophers and political theorists have addressed Mills’s critique of ideal theory and his endorsement of the alternative of nonideal theorizing. In these debates and responses, much of the focus has centered on the claim (attributed to Mills) that ideal theory is problematic because it cannot “guide action” in the real world, since it is based on principles that assume ideal conditions. In “What’s Ideal About Ideal Theory,” Zofia Stemplowska argues for the value of ideal theory but also ultimately defines ideal theory as “theory that fails to issue recommendations for how to improve our society that are applicable for us here and now” (2008, 319). In “Three Failed Charges Against Ideal Theory,” Eva Erman and Niklas Möller (2013) describe three objections to ideal theory that they claim ultimately fail: that ideal theory cannot guide action, that it is impossible, and that it is distorting. And in “On the Apparent Paradox of Ideal Theory,” Laura Valentini (2009) directly addresses what she takes to be the most important problem of ideal theory: ideal theory must be able to guide action, and yet it cannot do so since it is premised on assumptions about agents and structures that are not based on current actualities.

One problem with these essays is that they misrepresent the critique of ideal theory offered by Mills and other oppression theorists. Nonideal oppression theorists do not object to the “falsehood” or irrelevance of the idealized conceptions of persons and of society. Rather, they object specifically to the ways that these idealized descriptions are *ideological*. What Rawls refers to as “ideal theory” can make it more difficult to understand and address systems of power like racism and sexism. Rather than issuing no normative recommendations, so-called ideal theory can prescribe actions that reinforce and perpetuate current social injustices. Thus, these commentators are wrong to construe nonideal oppression theorists (such as Mills) as though their main concern were with whether or not a theory can “guide action.”

Although Tessman’s reasons for concern with nonideal theory differ from those of the theorists mentioned above (and she is by no means defending Rawlsian ideal theory), she nonetheless seems to follow these theorists in characterizing nonideal theory as essentially concerned with action-guidance. For instance, Tessman notes at the start of her chapter that she questions “oppression theorists who embrace nonideal theory unambivalently, and seem to imply that appropriate action-guidance is all that they want from a normative theory” (2015, 182). Although she mentions in a footnote that there are some exceptions—Nussbaum, Anderson, and Walker—Tessman seems to imply that most nonideal oppression

theorists hold this view. A bit later in the chapter, she asks what nonideal oppression theorists want in a normative theory, and then replies, “They want nonidealizing, action-guiding normative theories that help one identify which (achievable) moral practices are worthy, and that direct one on how best to move from unworthy, oppressive practices to worthier and less oppressive practices” (194). While Tessman values practical guidance in combatting oppression, she also wants something more, explaining that there is “something rather problematic about having nothing but action-guiding *nonideal* theory for understanding moral life under oppression” (195). Although I agree fully that having “nothing but” action-guiding nonideal theory would be inadequate, there is little reason to believe that any of the nonideal oppression theorists mentioned by Tessman actually hold that a theory’s ability to prescribe concrete, immediate action-guidance is its main or only value.

Although Mills’s account of the ideal/nonideal distinction is perhaps the most prominent, the accounts of many feminist and anti-racist philosophers raise similar problems with the methodology of political and moral philosophy. Mills cites Onora O’Neill’s criticisms of idealization (which are feminist in certain respects), but his analysis is also indebted to Carole Pateman’s critique of social contract theory. In *The Sexual Contract* (1988), Pateman argues that both classical and contemporary social contract theory are premised on the false assumption that the contractual agreement (whether actual or hypothetical) can be understood as one between all affected individuals. Instead, the social contract was an agreement among men—and as Mills notes, it was one among whites—and it was built on the assumptions that men and whites were the contracting parties and that women and nonwhites were the objects of the agreement. Overlooking these important (nonideal) facts obscures the realities of racial and gender oppression.

Other feminists make similar arguments, though they are not always focused directly on Rawls or on what is now called “ideal theory.” Alison Jaggar’s work in *Feminist Politics and Human Nature* (1983) is a prime example of an early challenge to the prominence of ideal theory in mainstream liberal political philosophy, and her objections to the abstract individualism and the ideological nature of liberalism are echoed in the work of more recent accounts of what is wrong with so-called ideal theory. The feminist critiques of moral philosophy offered by Eva Kittay (1999), Margaret Urban Walker (2003), and Diana Tietjens Meyers (1994) also raise problems with normative theory that proceeds through idealizing methods and thereby avoids addressing the context of complex relationships, which often involve power, oppression, and nested dependencies. In objecting to the method of ideal theory employed by Rawlsian liberals, these oppression theorists are not arguing that ideal theory fails to guide action, but rather that it misrepresents both agents and structures in ways that deny and obscure the realities of oppression. Thus, the

problem of appropriate action-guidance is one objection to ideal theory. But it is not the only matter of concern.

IV. Rethinking Rawls's Ideal/Nonideal Distinction

At this point, a question arises: if the nonideal oppression theorists are concerned with understanding and addressing structures of power and oppression more generally, and are not solely concerned with practical questions of providing an "action-guiding" theory, why are they characterized (by Tessman but also by Valentini, Erman and Möller, Stemplowska, and others) as having a more narrow concern? In this final section, I suggest that the characterization of nonideal theory as having this narrow focus is a product of Rawls's own understanding of the ideal/nonideal distinction, which Tessman, Mills, and many others do not directly challenge. In *A Theory of Justice*, Rawls explains the rationale for his understanding of ideal and nonideal theorizing about justice:

The intuitive idea is to split the theory of justice into two parts. The first or ideal part assumes strict compliance and works out the principles that characterize a well-ordered society under favorable circumstances. . . . My main concern is with this part of theory. Nonideal theory, the second part, is worked out after an ideal conception of justice has been chosen; only then do the parties ask which principles to adopt under less happy conditions. (Rawls 1999, 216)

Although Rawls does not provide a detailed account of nonideal theory, he explains that it covers two kinds of situations: (a) "injustices" that result from the partial (or non) compliance of citizens and (b) circumstances in which the achievement of justice is not possible due to unfavorable background conditions caused by "natural limitations and historical contingencies."

One problem with Rawls's description and defense of ideal theory is that he assumes, rather than argues for, its precedence. After acknowledging a handful of "pressing and urgent matters" that arise frequently in everyday life, he explains, "The reason for beginning with ideal theory is that it provides, I believe, the only basis for the systematic grasp of these more pressing problems...At least, I shall assume, that a deeper understanding can be gained in no other way, and that the nature and aims of a perfectly just society is the fundamental part of a theory of justice" (1999, 8). Given that Rawls assumes that ideal theory should be bracketed off from the problems of the nonideal, it's worth examining more closely the sorts of problems he includes in the nonideal: namely, unfortunate background conditions (which seem to arise by natural misfortune) and the "noncompliance" or merely "partial compliance" of individuals. Rather than understanding "nonideal" to involve

fundamentally oppressive structures of social hierarchy and power, Rawls's categorization seems to focus on the results of either bad luck (on a larger scale) or individual bad behavior (on a smaller scale). While these are among the problems that one might address under the category of nonideal theory, they are hardly the only important matters. In fact, Rawls's categorization wrongly suggests that injustice arises primarily due to noncompliance or the bad luck of unfortunate circumstances. If this is the case, Rawls seems to fall prey to the problems of "luck egalitarianism" (which many Rawlsian theorists would find problematic, as Rawls is allegedly concerned about the "basic structure" of justice in society).

Thus, in much of the writing about this issue, it seems that the labels of "ideal" and "nonideal" theory have been employed in ways that fall in line with Rawls's account, even in cases where the author aims to challenge Rawls. For feminist and anti-racist philosophers to be clearer about the problems with Rawls's methodology, we may need to depart more radically from the language and categories of ideal and nonideal theory. This could help open the way for a more serious consideration of the role of nonoppressive ideals that will enable us to envision more promising futures. And it can also open the doors to theorizing that includes a more serious consideration of the problems of moral failure.

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LISA H. SCHWARTZMAN is Associate Professor of Philosophy at Michigan State University. Her research is in feminist theory and political philosophy, with a specific focus on critiques of liberalism. She is the author of *Challenging Liberalism: Feminism as Political Critique* and the co-editor of *Feminist Interventions in Ethics and Politics*. She has published essays on feminist analyses of rights, equality, and hate speech, and she recently co-edited a special issue of the *Journal of Social Philosophy* on the topic, "Gender, Implicit Bias, and Philosophical Methodology."