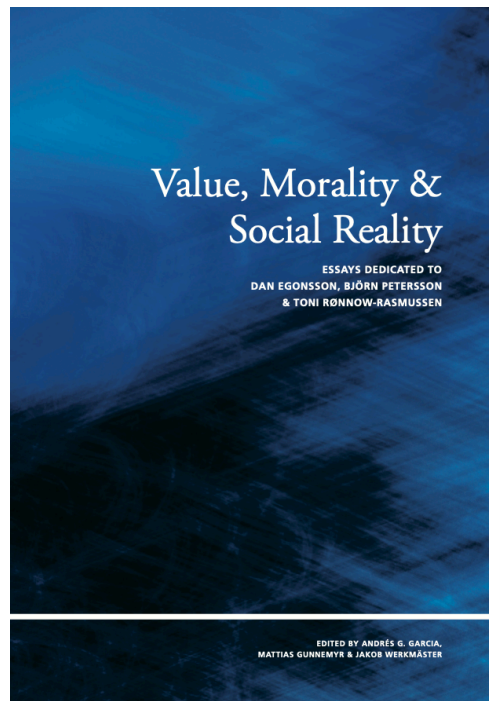


Pragmatic Challenges in Practical Ethics

Christian Munthe

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Abstract. This brief essay traces a development of orthodox applied ethics into a present-day variant of practical ethics, where pragmatic reasons may upset ideal theoretically and empirically informed epistemically supported ethical prescriptions when these are to be implemented in a real context. This shift comes with a development where the applied ethicists of older days are nowadays aiming for much more specific and practically useful action-guidance, and for activist involvement to support feasible implementation of ethical prescriptions. This results in a radical and a moderate activist variant of practical ethics, both of which face specific challenges due to the necessity of considering pragmatic reasons. I argue that the radical variant has trouble managing these challenges. The moderate variant may manage them, but this may require substantial methodological development.

The aim of this brief essay is to conduct a sort of “pilot” study of a set of challenges emerging out of recent trends to allow pragmatic considerations to play an increasing role in applied, or practical, ethical analysis.

While pragmatism continues to be a debated view in general epistemology, philosophy of science and metaethics (Legg & Hookway 2021; Sayre-McCord 2014), the role of pragmatic arguments in substantial normative ethics has been much less scrutinized. I will briefly outline several distinct ways in which pragmatic considerations have started to be viewed as good reason to modify otherwise theoretically well-founded normative positions in practical ethics, due to an expansion of aims compared to more orthodox applied ethical approaches. I will not

defend this expansion as such, but rather trace a particular set of implications of it that may be viewed as challenges to the field.

There are partial precursors of addressing the role of pragmatic arguments in practical ethics. Since John Rawls introduction of conditions of “well ordered societies” and “stability” in his theory of the “original position” supposed to justify his substantive theory of justice (Rawls 1971) – constraining what principles may be chosen for what contexts by the idealized parties in it – a still rather tentative discourse on so-called *non-ideal theory* goes on in the contemporary social contract tradition of political philosophy (Jubb 2012; Schmidtz 2011; Thompson 2020; Valentini 2012). However, my aim here is not bound by either this philosophical tradition, the narrow focus on justifying political institutions, or the conditions of “well-ordered societies” and the import of political legitimacy highlighted by Rawls’ stability condition. Rather, I will describe a broader conception of pragmatic reasons in practical ethics, of which the non-ideal theory debate in political philosophy is one instance. I will provide some concrete examples of what the impact of including pragmatic reasons may have on the conclusions of specific practical ethical arguments.

I will start by explaining in more detail what I include in the notion of a *pragmatic reason* and distinguish two distinct variants of such reasons. I will then present an analysis of how to determine the impact of these respective types of pragmatic reasons on the soundness and/or validity of practical ethical arguments. This includes reviewing the development from the orthodox applied ethics that emerged in the 1970’s and into present-day practical ethics. Lastly, I will present and preliminary assess some challenges for practical ethics created by the recognition of the type of pragmatic reasons I have outlined. My tentative conclusion is that, while these challenges should be considered and may motivate further adaption of argumentative models in practical ethics, they do not undermine the basic rationale for acknowledging pragmatic reasons in practical ethics.

Pragmatic Reasons – Weak and Strong

The notion of a pragmatic reason employed in this essay is meant to capture a notion of a type of normative reasons that is broader but related to the idea of non-ideal political theory in Rawlsian and related social contract theoretical discourse. More specifically, a pragmatic reason is a consideration that provides a reason for what to do in a practical context, albeit not grounded in appeals to the epistemic rationality of accepting such normative claims. Typically, such reasons are activated when the ethical analysis moves from asking what should (ideally) be done, to asking whether this is practically feasible to implement effectively (without changing the conditions of the ideal theoretical justification). These reasons are here called pragmatic, since they arise out of no epistemic argument for or against the truth of ethical

judgements, but rather from people's responses to such judgements and attempts to implement them.

More specifically, there are two main types of sources of such pragmatic reasons:

Disagreement: Key actors for successful implementation do not embrace the ideal ethical theory in question, are not persuaded by arguments based on it, and thus will likely not adhere to its prescription regarding the practice in question.

Illegitimacy: Attempting to implement the (ideally) recommended practice will not be tolerated by key actors and/or those to which the recommendation applies, and it will therefore not be effectively implemented, enforced, or respected.

Now, in many cases, there are options to aid implementation of ideal theoretical prescriptions with measures directed to influence factors such as these, mostly meant to either persuade people to change their minds (rhetoric and manipulation), or to force or lure them into compliance (politics). Sometimes, the outcome of adding pragmatic considerations to an ideal theoretical ethical argument when deciding what to do comes down to no more than this: the pragmatic reasons recommend further actions that complement and are compatible with the ideal theoretical recommendation. For instance, this is what Rawls does when he advocates having societies tell the narrative of how the original position (allegedly) justifies his substantive theory of justice as a way of increasing the stability of a society implementing that theory, even making this part of a political enforced educational system justified by the same theory (Rawls 1971). Such pragmatic reasons I consider weak, as they do not upset the initial ideal theoretical conclusion. However, as Rawls recognized, the impact of such weak pragmatics has limits. Any attempt to persuade people of the plausibility of a recommendation, or to lure or force them to comply with it may be wasted, or even backfire so that the unwillingness to accept and comply increases even more. In addition, the additional measures may incur costs in monetary or other terms that undermine the initial ideal ethical justification of the recommendation.

This leads over to the strong notion of pragmatic reasons, where these are thought to provide considerations which are *at odds with* the ideal theoretical conclusion. In the following, this is the pragmatics I will be focusing on. These strong pragmatic reasons tell us to adapt an ideal theoretical ethical conclusion to the pragmatics, so that the threat of the pragmatic factors against feasible effective implementation is mitigated. In the Rawlsian case, this is the non-ideal theoretical option of weakening those normative aspects of the substantive theory of justice which are resisted by key actors and the population, which has been extensively questioned and debated in the social contract theory context. My contention, however, is that the notion of a (strong) pragmatic reason is viable across (applied or practical) normative ethics. There exists a wide variety of applied or practical normative ethical domains of inquiry (different areas of politics, various domains of private life and personal

relationships, professional conduct and practice, non-political institutions such as business or religious communities and so on), and a manifold of normative theories to use as assumptions regarding what may justify specific normative conclusions in all such discourses. Regardless of discourse and theoretical framework, we may distinguish ideal theoretical reasons to justify conclusion related to some discourse, based on some theory, from reasons not based on this theoretical framework (or any of its ideal-theoretical competitors) and/or not directly a part of the discourse in question (albeit allegedly relevant for it) that refer to pragmatic factors of disagreement and/or illegitimacy, and that are claimed to provide strong reasons at odds with the ideal ethical conclusion.

Let me illustrate with the help of a well-known contested practical ethical issue, that of (voluntary) euthanasia (that is the practice of a health care professional to intentionally kill a patient on this patient's request). Suppose that your favorite ideal ethical theory supports the notion of legalizing this practice. The types of pragmatic considerations described above may provide additional reasons against attempting to act on this prescription. This since disagreement and illegitimacy undermine the feasibility of the prescription; although legalization may be a real option, it is unlikely that attempting to have this option performed will be successful. One may then, of course, try to make people change their minds and behaviors – e.g., to have medical professional organizations adopt voluntary euthanasia as accepted practice (as in Belgium and the Netherlands), or to force them to comply (as in Canada). But suppose not much comes out of that, or that the actions needed to be taken have substantial downsides (such as excessive force or liberty restriction). Then the question arises whether there is some way to modify the suggestion in a way that may increase support for it. For instance, rather than hopelessly petitioning parliaments to make exceptions for certain types of murder (in the legal sense), one rests content with developing a clinical routine for physician's assisted suicide (which we here assume to be legal) that could be incorporated into accepted medical practice (in the ordinary way, via clinical trials, consensus conferences, et cetera). This in spite of the fact that the ideal theoretical ethical reasons supporting physician's assisted suicide lend equal support to voluntary euthanasia.

Of course, all these types of pragmatic reasons against an ideal theoretically supported legalization of euthanasia may also appear to undermine ideal theoretical cases for banning euthanasia. My point here is not to plant doubts against any specific position regarding this ethical issue. Moreover, the pragmatic reasons may occur also in relation to other ethical issues than those regarding the legal banning or permission of some practice, such as issues about what should be an accepted practice or ethos of some profession, or how groups of people, such as informal communities, or individuals should act in different situations.

From Orthodox Applied to Present-day Practical Ethics

The orthodox notion of (philosophical) applied ethics, as it emerged throughout the 1970's and -80's, has mainly been to produce arguments of the following form:

(Allegedly justified) ideal normative ethical/political theory

Relevant factual assumptions about the nature of available options and consequences of these with regard to some practice

Conclusion (*ceteris paribus*) of what of the options should be chosen

This form has served moral (and political) philosophy quite well in helping to elucidate the specific concrete implications of abstractly formulated theories. Such elucidation has further enriched both the critical assessment and justification of philosophical theories, as well as the development of new, more sophisticated theories. It has also been quite useful to help practical deliberation trace different arguments back to specific sets of factual assumptions and/or ethical/political theory-elements. But that was considered to be the end of the ethical analyst's job. Figuring out the factual details to unpack the *ceteris paribus* clause in specific, concrete cases, or fixing successful effective implementation was not considered to be on the applied ethicist's agenda. The typical reaction of an orthodox applied ethicist when facing the disagreement or illegitimacy factors would be to note that the ideal theoretical ethical conclusion still stands, and that key actors and people are irrational and/or immoral if they do not accept it or do not adhere to it (this follows from the ideal theoretical ethical conclusion).

Over the years, as applied ethicists started to become engaged more closely with decision-makers and specific practical problems, applied ethicists started to interact more with practical details and other research areas to figure out how useful specific guidance could be teased out of the orthodox applied ethical conclusions. Among the complexities uncovered by such interactions, as well as the general experience of how allegedly firmly justified proposals were often ignored or distorted in the practice of policy making and implementation, were the type of pragmatic factors highlighted in the former section. The aims of the field were expanded and made more ambitious.

The first part of this development produced a strong shift towards *empirically informed* applied ethics, and today it is considered standard practice to have applied ethics research projects involve not only philosophical ethicists, but also practitioners and researchers from relevant fields, such as the bio- and

technosciences, law, politics, psychology, and so on. The aim is no longer to be content with theoretically assumed research questions and generic *ceteris paribus* conclusions resting on contested normative assumptions. Rather, this step is now seen as a first step towards further advanced analysis of factual and normative uncertainties, institutional complexities and public opinion and values (see Beauchamp 2003 for an illustrative example). This development has helped orthodox applied ethics to become more *practical*, more capable of assisting decision-makers with real solutions to the ethical problems they are in fact facing. While aiming for more useful, specific and action-guiding prescriptions, this development is still compatible with the orthodox shrug response to pragmatic feasibility factors. However, it has given rise to critical debates on both the role of empirical research in practical ethical analysis (Davies et al. 2015) and what has sometimes been termed “the ethics of ethics”, i.e. questions about the ethical limits of practical ethicists to aid decision-makers with regard to questions selected by the latter and the obligations of ethicists to promote the good and the right (Eckenwiler & Cohn 2007).¹

The second part of this development consists of ethicists expanding their ambitions to go beyond the production of normative advice and prescriptions, and to participate in the practice of implementing these prescriptions in the form of specific policy and activities on the ground to pave the way for rolling out such policies. My own view of this development is that it is expected on the basis of the increased awareness of practical complexities and pragmatic factors coming out of the empirically informed applied ethics, and the increased focus of the “ethics of ethics” discourse on the importance of not only identifying the good and the right, but to actually see it done. This step has eventually led to debates on the soundness of such scholarly practical ethical “activism” (Brody 2009; Draper et al. 2019; Eckenwiler & Cohn 2007), but I will sidestep these here. Instead, my point is to highlight that this step undermines the aforementioned shrug response to pragmatic complications. These must now be considered by the practical ethicist as part of the “activist” work to aid the effective implementation of a prescription. Pragmatic reasons may thus undermine the ideal theoretical reasons to act on a prescription, however well justified it may be from an (empirically informed) theoretical standpoint. Of course, such reasons may serve to motivate policy measures to persuade, lure and force people in view of widespread disagreement and illegitimacy. But as observed earlier, the justification for such additional measures will always have limits, and in many cases these limits can be expected to be transgressed. Then, the “activist” aim would seem to provide reasons to revise the

¹ A case in point may be the role of self-labelled “pragmatic” or “practical” bioethicists in facilitating bogus stem cell treatment hoaxes, or what we now know as the opioid epidemic scandal in the US. See this string of blog posts for more information about these matters:
<https://philosophicalcomment.blogspot.com/search?q=McGee&max-results=20&by-date=true>

prescription one seeks to implement, at odds with ideal theoretical justification, in order to adapt it to the pragmatic circumstances to make it more feasible.

At the same time, this step into “activism” can be radical or moderate. The radical step is when the activism leaves all further normative ethical considerations aside, thus abstaining from further critical inquiry into one’s own assumed basic ethical standpoint. Depending on which standpoint this is, such an approach may express itself as fanaticism (as with some examples of some identity political activist scholars²) or nihilism (where the ethicist becomes a brain for hire, no matter the purpose, as in the scandals mentioned in footnote 1). A more common move, however, is that the aim to aid and participate in implementation is *added to* (rather than replacing) the more ideal theoretical and empirically informed parts – and this is the type of activism I label moderate.

Challenges Due to Increased Room for Pragmatics

Allowing pragmatic considerations to enter normative ethical (including political) arguments with an independent force of their own implies a number of philosophical challenges. Some of these have been noted and debated in the context of non-ideal social contract theorizing to some extent, but not all. I will here work through these challenges in relation to a generally conceived practical ethics (as sketched in the foregoing section) rather briefly. My modest aim is an attempt at an overview and a sketch of how to manage them in a systematic and justified manner.

Challenge 1: Undermined normativity?

If the soundness of practical ethical conclusions is allowed to be constrained by what is feasible in view of the factors of disagreement or illegitimacy, the substance of normative ethics is undermined, since these conclusions may be entirely determined by what people, communities and institutions actually do or prescribe, not what they should do or prescribe.

This challenge seems false both for radical variants of practical ethics, and for moderate ones. In both cases, normativity is there (fixed by the assumed ideal theoretical basis, or in continuous critical question). What both variants do is to trace new sources of normativity, rather than abandoning normativity. At the same time, the room for pragmatically based critique of ideal theoretical recommendations in the moderate variant makes the way it traces these normativity sources very different from that of the radical variant. This leads over to the next challenge.

² See, e.g., Munthe (2020).

Challenge 2: No room for objective ethical truth?

If the soundness of practical ethical conclusions is allowed to depend on what people, communities and institutions actually prescribe and how they will in fact respond to their (attempted) implementation, the possibility of objective ethical truth regarding specific practical matters is ruled out.

The force of this challenge, of course, depends on to what extent “objective ethical truth” is a viable prospect in the first place. But suppose it is, and suppose that some (perhaps not yet formulated) ideal ethical theory unveils it. Then it seems to follow that truths about more specific practical ethical matters are necessarily more dependent on subjective factors, such as what people believe is right and good in practice, or the extent to which they are prepared to act in accordance with such beliefs. The force of the challenge also depends on what “objective” is supposed to mean, and to what extent the subjective elements introduced by pragmatic considerations really undermine objectivity in any *serious* way.³

I, for one, am not at all certain that they do for the moderate variant. First, the pragmatic aspects are not in any way opposed to the notion of an ethical judgement as true or false, they merely introduce new truth-conditions for such judgements. Moreover, these new truth-conditions, while having subjective aspects detached from normal epistemic reasons, are mostly compatible with the possibility of a person, group or institution being mistaken. The subjectivity introduced does not entirely determine ethical truth. So, while the unwillingness of a population to embrace or act in accordance with an ideal theoretically supported ethical prescription may undermine the ethical soundness of applying the prescription to this population, there is still room to claim that this population *should* embrace and act in accordance with it. This holds even if we consider only one single individual, albeit in that case we may face intricate normative ethical problems of how to think ethically about people we know to be irrational or suffering from weak character.

For the radical variant, however, this challenge seems more difficult to get around. This since the radical variant of practical ethical activism has severed any link to ideal theoretical critical reflection. And it is this type of reflection that allows the moderate to both say that we have to adapt to what people actually believe to gain legitimacy for practical proposals and that they should believe other things that would make such adaptations needless.

³ At the same time, as pointed out by one anonymous reviewer of this chapter, acknowledging the need to consider pragmatic reasons may turn out to make a difference to *what* ideal normative ethical theory about objective moral truths best holds up to scrutiny. Theories such as traditional Kantian ethics, with very strict and abstract criteria of rightness may be undermined by requirements to consider pragmatic reasons. This may be taken by those independently convinced of the truth of these theories to question the move into “activism” taken by contemporary practical ethics.

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Challenge 3: Vulnerability to strategic manipulation?

If the soundness of practical ethical conclusions is allowed to depend on what people, communities and institutions think about these arguments and how they will in fact respond to their implementation, practical ethics becomes vulnerable to strategic manipulation by partisan, vested or similarly partial or biased interests.

This is a true challenge that comes with the Marx-inspired move of practical ethics from merely trying to explain what is right and good in our world to also trying to change this world for the better. That change places the ethicist in a social context where the responses of others to the fruits of one's labour are not merely to be reckoned with intellectually, considering standards of epistemic rationality. The practical ethicist also must consider *practical rational* aspects about the consequences of and grounds for devising and advancing particular arguments and conclusions. From such a practical rational standpoint, it is desirable to avoid actions or patterns of behaviour that tend to make the practical ethicist vulnerable to exploitative manipulative strategies, such as blackmail or lures of a *dutch book*⁴ nature. Certain ways of adapting to pragmatic factors may thus be considered practically irrational. The basic reason for this is that adapting to these types of strategy inevitably leads to an outcome where the agent gives up everything, while the responding player gains everything. I will not here try to solve this challenge, merely point out three aspects of it that, to my mind, make it solvable, at least for moderates.

First, the pragmatic considerations of practical ethical turn do not erase the ideal theoretical considerations of orthodox applied ethics, merely complement them. This undermines the necessity of sliding all the way to the complete loser of a completed *dutch book* or a blackmail scenario. Just as political negotiation parties have a limit for how much to concede in compromises, ideal theoretical considerations temper the impact of pragmatics on the conclusion of a practical ethical argument. This response is only available to moderates. Second, the risk of strategic manipulation (and reasons to avoid it) can itself be considered as a pragmatic aspect. Third, in many cases there exist practical options that may serve to change the pragmatics of a situation, e.g. make people less disposed to strategic manipulative behaviour, and such options may be worked into the practical ethical analysis. Still, there remains to explore how the logic and rationale motivating a particular balancing of ideal-theoretical and pragmatic reasons should look like.

Challenge 4: A heuristics paradox?

Since pragmatic considerations constrain (sometimes considerably) what conclusions may be supported in practical ethics, while these considerations themselves may change (or be changed) over time due to ideal theoretical ethical considerations,

⁴ A *dutch book* is a hazard game odds strategy where each step of the game (rationally) lures a player to continue to bet in a series that will necessarily make this player lose the game all things considered.

practical ethics faces a paradox regarding whether to start ethical analysis from the pragmatic or the ideal theoretical end.

Also this challenge for practical ethics seems to me to be a genuine one. At the same time, it arises only in those cases where pragmatic considerations considerably constrain what ideal theoretical conclusions are feasible, and where the prospect are good for having ideal theoretical disputation change prevailing opinions, attitudes and behaviours that affect feasibility. In those cases, however, I believe there is a practical way forward that can be grounded in the aims of practical ethics, at least for moderates.

Just as with the handling of the strategic aspects of the preceding challenge, the threat of genuine paradox can be avoided by building the prospect of having ideal theoretical reasons change pragmatic considerations over time into these pragmatic considerations themselves. As I pointed out regarding the first two challenges, the need to consider pragmatics in practical ethics does not undermine the normativity of ideal theoretical ethical reasons, especially not if these reasons are true. There may thus be excellent ideal theoretical reasons to advocate these very reasons to key actors, communities and institutions to have them change in a way that relaxes the tension between what is pragmatically feasible and what should ideally be done or occur in a certain context. At the same time, such reasons have to be scrutinized for pragmatic feasibility as well: in some contexts, trying to change the pragmatics may be a waste of time and resources and therefore unethical.

As this response rests on the availability of ideal theoretical ethical inquiry and discourse, it would not seem to be available to radicals. However, I conjecture that such radicals, faced with the threat of the heuristics paradox, would most likely find reasons to abandon the radical approach.

In all, I thus see potential for a moderately activist practical ethics to handle the challenges coming out of the necessity of considering pragmatic reasons to revise and adapt ideal theoretically supported ethics conclusions. At the same time, it is obvious that this potential management needs a developed methodology that is not yet in existence.

Conclusion

I have traced a development of orthodox applied ethics into the present day of a practical ethics aiming not only for philosophical analytical rigour, but also for advanced action-guidance and practical usefulness, stretching into the realm of “activism” to implement practical ethical prescriptions. I have argued that the last element brings with it a necessity to consider pragmatic reasons, outside of the epistemic reasons to accept or deny different ethical conclusions, and to adapt practical ethical conclusions to promote feasible effective implementation. The resulting practical ethics comes in a radically and a moderately activist variant. I

have identified four distinct challenges for this approach to practical ethics and argued that the radical variant may handle some of them, but not all, and that this provides arguments to abandon the radical stance for a more moderate one. This moderately activist practical ethics may escape or manage all of the challenges, but to do so, it needs to further develop its own methodology.⁵

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⁵ I am very grateful to all who gave comments when I presented a first, rough draft of this essay at the research seminar in Practical Philosophy and Political Theory at the University of Gothenburg.