
**INSTITUTIONAL PERFECTION OR IMPROVEMENT
OF IMPERFECT INSTITUTIONS? AN ESSAY ON THE
METHODOLOGICAL STATUS OF PERFECT BUT
UNFEASIBLE INSTITUTIONAL REGIMES**

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RESUMEN

El artículo trata de “regímenes institucionales perfectos” (RIPs), definidos como regímenes que satisfagan de manera óptima a un valor dado (como la justicia). Suponiendo que un RIP es inviable en el corto plazo para los agentes que estén dispuestos a implementarlo, ¿qué razón tendríamos para dedicar tiempo a un RIP? Una respuesta es que el conocimiento acerca de los RIPs es lo suficientemente interesante como para justificar una investigación sobre el tema, aunque no es probable que cambie el mundo. Otra es que la búsqueda de un RIP ayuda a establecer los principios bajo los cuales más modestas propuestas de cambio han de ser evaluadas. Otra, por último, es que teorizar sobre un RIP puede tener un impacto motivacional: aunque no existen hoy en día agentes motivados para los que la realización de un RIP sea viable, hablar de este tema puede cambiar este escenario.

Palabras clave: Regímenes institucionales perfectos, teorías ideales y no ideales, viabilidad, democracia de ciudadanos propietarios, socialismo liberal

ABSTRACT

The paper deals with “perfect institutional regimes” (PIRs), defined as regimes that optimally satisfy a given value (like justice). Assuming that a PIR is unfeasible in the short term to agents willing to achieve it, what reasons do we have to spend time on a PIR? One answer is that knowing about PIRs is interesting enough to warrant an inquiry into the subject, even if it is not likely to change the world. Another is that searching for a PIR helps to set up the principles under which more modest proposals of change are to be evaluated. Another, finally, is that theorizing about a PIR may have a motivational impact: although there are no motivated agents to whom the realization of a PIR is nowadays feasible, talking about it might lead to a change of this scenario.

Keywords: Perfect institutional regimes, ideal and non ideal theories, feasibility, property-owning democracy, liberal socialism

Introduction

Over the last years, part of the debate on Rawls’s theory of justice has been devoted to the institutions suited to satisfy the principles of Rawlsian justice – in particular, to the institutions of a ‘property-owning democracy’, the kind of institutional regime that, together with liberal socialism, Rawls (2001: 138) endorses. Scholars have been discussing, among other issues, how the institutions of property-owning democracy depart from those currently found in capitalist societies (Hussain 2012; Williamson 2012; White 2012), why property-owning democracy is (if it really is) better than welfare-state capitalism (O’Neill 2012; Schefczyk 2013; Weale 2013; Vallier 2015) and the comparative merits of property-owning democracy and liberal socialism (Schweickart 2012; Malleson 2014).

This paper addresses a methodological issue regarding institutional regimes that, as seems to be the case of property-owning democracy (POD) and liberal socialism (LS), optimally satisfy to justice’s prescriptions and are hence a class of what I shall call a “perfect institutional regimes” (PIR). The question is whether we should be dealing with these regimes (their details, their merits in comparison with other regimes, etc.) in spite of their being unfeasible to achieve by agents (for example, leftist parties and left-oriented political activists) who are likely to be motivated by our recommendations in that respect. In order to answer this question, the paper draws on recent discussions about political feasibility and the distinction between ideal and non-ideal theories of justice.

The article is organized as follows. The first section after this introduction presents the concept of PIR. It also reproduces the main outlines of POD and LS in the versions of Williamson (2012) and Schweickart (2002) in order to show them as prominent examples of PIRs. Section two introduces the concept of political feasibility. Section three addresses POD’s and LS’s feasibility. Section four turns then to the paper’s core issue. It argues, in sum, that, even for those with more immediate concerns, philosophical inquiries on PIRs are, although not at all futile, perhaps not valuable enough to distract attention from feasible proposals for the improvement of our imperfect institutions.

1. Perfect institutional regime (PIR): concept and examples

In this section, I first introduce the concept of a PIR. Thereafter, two examples of PIR, POD and LS, are presented.

A PIR is a set of institutions that optimally instantiates a value or mix of values under certain conditions. Although we are here envisaging PIRs as just regimes, the value at stake may be other than justice, such as freedom or democracy. Institutions are “rules of the game”, that is, rules, both formal

and informal, governing social interactions (North 1990: 3). The conditions under which a given institutional arrangement is treated as PIR may vary. For example, one can say that a regime is the most just one (and thus a PIR regarding justice) considering human “natural inclinations” as they are (whatever they are). By this it is conveyed that, under distinct conditions (that is, were human beings not as they “really” are), another regime would be the most just. There is no necessary connection, therefore, between the concept of PIR and that of an idealized (or utopian) regime, if by the latter it is understood a regime depicted as optimal under implausible conditions (e.g., of people being immoderately altruist or not prone to dissent on matters of justice). In the literature, ideal PIRs in this last sense are not lacking, but it is important to differentiate, for the time being, PIRs and ideal regimes. I shall come back to this point later on.

Before moving to some examples, it should be noticed that a PIR may be only one in a set of regimes that (under certain conditions) optimally satisfy the value (or mix of values) under consideration. In other words, there may be more than just one PIR regarding a given value, either because two or more regimes are equally good at realizing the value at stake or because they are incomparable. Two regimes *a* and *b* are incomparable if, in what concerns the value at stake, neither *a* is better than *b*, nor *b* better than *a*, nor are *a* and *b* equally good. In order for a regime to be a PIR, hence, it suffices not to be worse than any other regime.¹

My main goal here is to ask if there is reason to inquire about PIRs (or a particular subset of them). For now, let me illustrate the concept of PIR through the cases of POD and LS, examples that can help persuade the reader about

1. This remark is important because, as we will see later, Rawls deems POD and LS as (at least abstractly speaking) equally just regimes. One can agree with this and still treat both regimes as PIRs.

the massive attention dispensed to PIRs in recent writings on justice. Rawls points to POD and LS as regimes suited to honor the principles of his conception of justice, ‘justice as fairness’ (Rawls 2001: 138).

Rawls describes POD by contrasting it with welfare-state capitalism (WSC). As both POD and WSC allow for private ownership of productive means, one could think they are similar, but, according to Rawls, they are not. WSC (or at least the sort of WSC that Rawls envisages) lacks measures for dispersing wealth and capital and thus preventing a small part of society from controlling the economy and, indirectly, political life as well (Rawls 2001: 139). In a POD, in contrast, a fairer distribution of productive assets and talents through measures of capital dispersion and educational investment, respectively, is achieved. The purpose of a POD is “to put all citizens in a position to manage their own affairs on a footing of a suitable degree of social and economic equality” (Rawls 2001: 139).

For greater clarity, let us consider Williamson’s (2012) proposal of a POD for the United States.² Williamson argues for a program of universal grants aiming at dispersing wealth and, in particular, real state and capital (including shareholding rights). The grants would be afforded through taxation of the riches and super-riches.³ They would be conferred to all citizens⁴ in the age of 18 with a stipulated value of U\$ 50,000: U\$ 20,000 are for unrestricted use, U\$ 10,000 for real state acquisition and U\$ 20,000 for investment in productive assets. This last quota is divided, in turn, in

2. Rawls’s version of POD draws in turn on work by the British economist James Meade (Meade 2012). I focus above on Williamson’s proposal, since it is more detailed regarding measures for capital dispersion, the main featuring that distinguishes POD from WSC in Rawls’s view.

3. Williamson (2012: 226-230) enlists several possible tax measures.

4. Williamson hesitates about including non-citizens in his universal assets program (Williamson 2012: 244, note 16).

U\$ 10,000 for unrestricted productive investment – hence suited to be used for starting a new business – while other U\$ 10,000 are granted in the form of coupons⁵ for buying shares in special mutual funds under governmental surveillance.⁶ In order to assure that the ownership of capital remain dispersed over time, these coupons are not able to be redeemed, but only shifted from one mutual fund to another.

For Rawls, LS is a regime assuring basic liberties, including political liberties (Rawls 2001: 138). The difference between a LS and a socialism with central planning is described in the following way (Rawls 2001: 138):

While under socialism the means of production are owned by society, we suppose that, in the same way that political power is shared among a number of democratic parties, economic power is dispersed among firms, as when, for example, a firm's direction and management is elected by, if not directly in hands of, its own workforce. In contrast with a state socialist command economy, firms under liberal socialism carry on their activities within a system of free and workably competitive markets. Free choice of occupation is assumed.

For further details, let me take Schweickart's (2002) concept of "economic democracy", a particular version of LS.

5. This part of Williamson's proposal draws on Roemer (1994).

6. Some details are omitted here. As Williamson (2012: 243-244, note 9) acknowledges, his version of POD combines features of two other well-known policy proposals, Bruce Ackerman and Ann Alstott's stakeholders society (Ackerman e Alstott 1999) and basic income (van Parijs 1995). Like Ackerman and Alstott, Williamson wants a significant part of the grant to be available at the beginning of adult life. From the U\$ 20,000 for unrestricted use, for example, U\$ 5,000 would be disposable at the age of 18, U\$ 7,500 (plus interests) at 23 and another U\$ 7,500 at 28 (the remaining U\$ 5,000 corresponds to an emergency fund) (Williamson 2012: 233). On the other hand, Williamson's POD echoes basic income proposals by including measures (as turning mutual funds *coupons* unredeemable) to avoid that citizens' assets be wholly depleted.

Schweickart's economic democracy would be constituted by worker enterprises or cooperatives run democratically (on a 'one man, one vote' basis) (Schweickart 2002: 47-48). Productive assets do not belong to workers, but to the entire society, so enterprises must pay a fee for the productive means under their control and keep part of revenues in a depreciation fund (Schweickart 2002: 48). All profits pertain to workers (there are no shareholders), but are not necessarily shared equally (Schweickart 2002: 47). As workers are free to go, cooperatives can manage to attract specially talented workers by offering them a greater share of profits. Cooperatives are also free to decide about production and prices (Schweickart 2002: 49). As there are no private banks, decisions about investment are made by public authorities on the basis of both efficiency and fairness concerns (Schweickart 2002: 50-56).

2. What is feasibility?

Before addressing the methodological status of PIRs, it will be necessary first to make a little detour here in order to address the concept of political feasibility. The goal of this section is to gain clarity on the following issue: what is meant when one asks about the feasibility of a PIR? In order to answer, I shall draw on two recent accounts of feasibility found in the literature.

According to Gilabert and Lawford-Smith (2012), a complete claim on the feasibility of a given result r ⁷ is related to some

7. As Gilabert e Lawford-Smith (2012: 812) notice, we could differentiate the feasibility of an action and of its result. Unfeasibility for A of practicing some action (for example, swimming 1km at the ocean) does not warrant unfeasibility of one possible result of this action (for example, saving a drowning child), since there may be other means to achieve such result (as employing a jet-ski). Thus, it is only correct to claim that a result r is unfeasible to an agent A under c if there is nothing A can do to obtain r under c .

agent A under circumstances c .⁸ r is feasible to A under c if it is the case that A is able to reach r in c as long as she tries. With this in mind, Gilabert and Lawford-Smith distinguishes two sorts of constraints to the achievement of r by A under c . There are, first, hard constraints, like logical and nomological ones. Hard constraints operate in an ‘all-or-nothing’ fashion: either the achievement of r by A under c violates one of these constraints (as in the case of teaching a dog to speak) or they not. In the former case, r is unfeasible. Considered in their own, hard constraints hence lead to a bimodal idea of feasibility, according to which a result r (for A in c) is either feasible or unfeasible.

Gilabert and Lawford-Smith’s account of feasibility further includes soft constraints. These new constraints – which consist of “economic, institutional and cultural (including religious) constraints” (Gilabert and Lawford-Smith 2012: 813) – determine the likelihood of obtaining r and hence give rise to a scalar (or gradual) concept of feasibility. Depending on the soft constraints running against A achieving it under c , r will thus be deemed *more* or *less* feasible.

A relevant issue is whether the agent’s lack of motivation should be regarded as a soft constraint. Should we assert that performing r under c is less feasible for A (or even unfeasible) because of her lack of motivation for pursuing r (or performing some act necessary to bring r about)? Gilabert and Lawford-Smith (rather hesitant) answer is that only pathological mental states should be treated as constraints. As they say (Gilabert and Lawford-Smith 2012: 813):

It is less clear how we should categorize motivational and psychological constraints. On the one hand, we might

8. c may refer, among other things, to time and place circumstances (Gilabert e Lawford-Smith 2012: 812). We may say, for example, that r (swimming 1km at the ocean) is unfeasible for agent A (Michael Phelps) under c , where c is a time lesser than one minute.

include psychological constraints only when they are pathological, and leave aside other kinds in addition to motivational constraints, because to include these would be to risk a cynical realism we should avoid. The fact that people do not *want* to do something does not mean that we should think getting it done is infeasible, it just means we should think about how to change incentive structures and thereby change people’s desires. In fact, political theories often function as social criticism, and, when they do, their main purpose *is* to help change people’s desires and affect political apathy. On the other hand, when we think about whether a proposal might succeed, it seems crazy not to factor in citizens’ resistance or political apathy, even when these fall short of pathology.

The problem mentioned in this passage is to some extent overcome, however, when claims about feasibility are conceived (as Gilabert and Lawford-Smith do) as agent-relative claims. It would be odd, indeed, to claim that the achievement of r for A in c is unfeasible as a consequence of A ’s lack of motivation for achieving r . Assuming that one has no duty to do what one cannot do (the “ought implies can” maxim), this would support the conclusion that A is not obliged to achieve r under c simply because she does not want to (Estlund 2011). On the other hand, it does not seem problematic to state that the performing of r by A in c is rendered impracticable, and thus gives rise to no moral obligation, because of the attitudes of other agents.⁹ For example, it seems natural to say that I have no duty to buy your car because of your lack of motivation to sell it.

9. According to Lawford-Smith (2013: 256): “I think the right way to deal with the motivation question (...) is to say that the motivation of *other people* is part of the context in which an agent acts, and therefore properly a soft constraint on whether her action will succeed. But *her own* motivation is not something to factor in; when we think about what is feasible for her we think about what she can do, and this depends only on what her options are”.

It is of particular importance here that the agent-relativity of feasibility claims lead often to the conclusion that the same result r is rather unfeasible for individual agents, but feasible (or rather feasible) to collectives.¹⁰ There is little doubt that voting for a more liberal law on women's reproductive rights (r) in Brazil today (c) is feasible for Brazilian Congress as a whole, although unfeasible for each of its members individually, since there are not enough congressmen willing to vote for a law like this.

Another account of feasibility, called "feasibility as restricted possibility", is articulated by Wiens (2014). Wiens contrasts his with Gilabert and Lawford-Smith's (which he refers to as the "conditional probability" account) in two ways. First, feasibility as restricted possibility rejects the distinction between hard and soft constraints and the scalar nature of Gilabert and Lawford-Smith's conception. According to Wiens, a result r is either feasible or unfeasible, where feasibility in a time t is a function of r achievability in t with the resources a given agent disposes. Such resources include everything the agent can use to reach r , but are not infinite. For example, a NGO can use its leverage over congressmen, ability to attract the public's attention and other influence tools in order to get passed in the next five years a new law on abortion or domestic violence against women, but may not avail of enough resources to get both laws passed in the same time. As Wiens expresses it, although each legislative reform would be in this case feasible for the NGO, a result r consisting of both reforms occurring in the next five years lies beyond the NGO's possibility frontier and is hence unfeasible.

Wiens further argues that feasibility judgments must be sensitive to the agent's lack of motivation (and not only to the lack of motivation of other agents). Feasibility as restricted

10. For the difference between feasibility claims with regard to individuals and collectives and the problem of collectives' moral obligations in face of the obligations of their individual members, see Lawford-Smith (2012).

possibility allows, therefore, for the unfeasibility of some results (which will be put beyond the possibility frontier) given the own agent's (that is, the agent one has in view when feasibility is evaluated) lack of motivation for achieving them. Wiens (2014: 5) exemplifies with the case of agents unwilling to pursue certain results by lack of assurance that others will cooperate. "When the stakes are high and assurance of others' cooperation is absent, morally motivated agents with a healthy dose of fear and risk aversion can lack the motivation required to realize a cooperative outcome". Wiens avoids incurring, in this way, in what he reposes as a flaw of the conditional probability account, namely, that of excluding "morally unimpeachable motivational limitations from among the full range of feasibility constraints, which seems in tension with ordinary use of the concept" (Wiens 2014: 5).

Wiens (2014: 14) himself acknowledges, however, that we are in general unable to ascertain the possibility frontier except for the near future. The greater the lapse between the present time and the time t in which r must be judged as feasible or unfeasible, the harder will be to assess r 's feasibility with the information currently available to us. Hence as distance between the time of evaluation and the time t becomes greater, the tendency of the restricted possibility account is to exclude as unfeasible only the results contradicting the hard constraints of Gilabert and Lawford Smith's conception.¹¹ This would mean a failure of one of Wiens's purposes, that of integrating the two kinds (hard and soft) of constraints that the conditional probability account sets apart.

The responsiveness of Wiens's account to the agent's lack of motivation, in turn, can be criticized by confusing the concepts of feasibility and desirability.¹² At least if we restrict ourselves

11. Remember that feasibility claims may be related to collective agents able to act for a time greater than the normal extension of human life.

12. These are concepts that Wiens himself (2014: 9) insists to keep apart

to Wiens's examples of agents whose lack of motivation is morally defensible (that of agents not willing to cooperate in the absence of assurance that others will cooperate too), instead of unfeasible, it seems better to claim that r is not (all things considered) morally required from the agent at stake given the reason (lack of assurance) she has not to performing it.¹³

3. Are PIRs feasible?

Feasibility accounts as the ones presented in the precedent section allow us to address the issue of PIRs' feasibility. The analysis below is restricted to the examples of PIR given above, Williamson's POD and Schweickart's LS.

One first remark concerns the agent envisaged by judgments about the feasibility of a PIR. Assume that the 'agent' at stake are the whole citizenry. As regarding the existing institutions of many countries, POD and LS would be not a special novelty, not enough, at least, to vindicate the claim that their institutions could not be adopted even if all citizens (or a great majority of them) were willing to do so.¹⁴

On the other hand, both POD and LS are likely to be deemed, at least in the short run, as less feasible (under the conditional probability account) or unfeasible (under the

as he states that the restricted possibility account "is void of any moral content" and that "feasibility assessments do not incorporate our judgments about which states of affairs are *worth* realizing from a moral standpoint."

13. Wiens's account is also silent on another point, namely, the one regarding the sufficient conditions for feasibility. Lying within the possibility frontier is a necessary condition for r being feasible, but perhaps not a sufficient one (Wiens 2014: 2, note 1).

14. See, however, Vallier (2015: 293), for whom POD suffers from "*an extensive bureaucratic apparatus that is charged with extraordinary tasks, such as making specific numerical judgments about appropriate price-levels, wage-levels, stock distributions, and the like.*"

restrict possibility account) if the envisaged agent is a singular individual or political party. The reason for this difference is quite clear: although forging the institutions of each PIR do not face substantial technical challenges, there is not enough political support now, in most countries, for moving either to a POD or to a LS in Williamson's and Schweickart's styles, respectively, nor it is likely that such regimes will attract enough support in the near future.¹⁵

Another relevant point concerning PIRs' feasibility is stability. We could stipulate as r that the institutions of a given PIR be adopted or, alternatively, r can be thought of as the stability of a regime like this.¹⁶ This turns on the desirability of the result we are envisaging. It is doubtful that one would be satisfied with seeing the achievement, even for a short time, of a given PIR.¹⁷ But if one takes r as being more than the achievement of some institutional scheme – that is, if r is meant to include stability – then assessments of a PIR's feasibility must have to take into account some incentive problems.

The last point matters if we are once more evaluating the feasibility of a PIR as regarding not society as a whole, but some individual agent or organization. Suppose that a political party is popular enough to make reforms for arriving at a POD

15. In Brazil, at least, arriving to one of these PIRs seems to be rather unfeasible or just unfeasible for any organization or leftist party in the short run whether or not one takes into account a revolutionary path. In this respect, we ought to keep apart once more the issues of feasibility and desirability. Although the lack of popular support, POD or a LS could be deemed feasible in some contexts for agents possessing the means to arrive at these regimes by force. Even if feasible, however, institutional changes achieved in this way would hardly be desirable.

16. My analysis diverges here from Gilabert e Lawford-Smith's (2012: 813), who treat stability as an intrinsic feature of any result.

17. I put aside here the issue of stability as being a necessary condition for a regime to be perfect in terms of justice. If one agrees with this, then every PIR would be, by definition, stable.

or a LS in a few years. We are thus able to say that, for this political party (A), achieving one of these PIRs (r) in the near future (c) is rather feasible (or simply feasible, lying within the possibility frontier). Both POD and SL, however, face incentive problems that raise doubts about the same agent's capacity to mobilize enough popular support in a enduring basis so as to render the new institutional set stable. In Williamson's account, POD depends upon permanent taxation of the riches in order to provide for the universal assets program. Even if the required taxation fall upon only a tiny percentage of the citizenry, the targeted group here is one whose political leverage must not be neglected. Affluent people could foment resistance against the novel regime, moreover if it fails to bring about immediate benefits to other groups, particularly the middle class. Other possible threats to POD are capital evasion caused by a raise of workers' incomes (a consequence of the income assured by the grant) and inefficiencies brought about by the dispersion of capital in large companies.¹⁸

The stability of Schweickart's LS would also be threatened by incentive troubles and the inefficiency arising from them. One of the problems is caused by a lack of incentive for investments whose time of return is larger than workers' permanence in the cooperative.¹⁹ Another one is the inefficiency of public decisions regarding investment: agents in public banks or social agencies may lack the incentive to give efficiency its due when deciding about how and where to invest.²⁰

18. Truly, public traded companies with pulverized capital are not by definition less efficient. The point is that Williamson's POD can force a dispersion of shares greater than the one currently found in many capitalist countries, which is not necessarily beneficial in terms of efficiency.

19. Since there also are arguments for the superior efficiency of worker cooperatives, the argument above is not definitive.

20. Schweickart (2002: 51) wants that public investment managers be paid according to their performance. There are two reasons to suspect, however, that decisions taken by these officials would be not sufficiently con-

It goes without saying, the above remarks do not prove that POD and LB are inherently unstable regimes.²¹ For what matters here, it suffices to acknowledge that a stability requirement raises the bar for affirming the feasibility of these PIRs, specially if the agent taken into account is not society as a whole but only a part of it, as some organization or political party.

4. Should we be concerned with PIRs?

We can move now to the article's main point, which is to assess the reasons one has (if there is one) to be concerned with PIRs. In other words: should we spend time depicting what a PIR would be,²² instead of simply looking for less ambitious, partial reforms of our institutions (reforms which, if undertaken, would still let us far from a PIR)? The question is, we shall see, entangled with the recent debate on ideal and non-ideal theories of justice.

It is useful, for starters, to explore the concept of PIR under Hamlin and Stemplowska's (2012) proposal of distinguishing between ideal theory (IT), non-ideal theory (NIT) and theory of ideals (TI). Hamlin and Stemplowska define each of these categories in the following way (2012: 53):

cerned with efficiency. First, as investment policies in LS must be guided to some extent by criteria other than efficiency, comparing managers' performance would be harder. Second, it is possible that managers would be nominated for reasons not related to performance, something arguably harder to take place in capitalist regimes.

21. On the other hand, there are probably other points to make regarding POD's and LS's stability. One could be skeptical, for example, as to the likeliness that strong state powers required by these arrangements are compatible, in the long run, with respect for basic liberties.

22. As does Schweickart (2012), for example, when arguing that LS is fairer than POD.

In the theory of ideals the purpose is to identify, elucidate and clarify the nature of an ideal or ideals (we will call this “specifying ideals”). More precisely, there are two component elements to the theory of ideals, one devoted to the identification and explication of individual ideals or principles (equality, liberty, etc.), the other devoted to the issues arising from the multiplicity of ideals or principles (issues of commensurability, priority, trade-off, etc.). By contrast, the continuum of ideal/non-ideal theory is concerned with the identification of social arrangements that will promote, instantiate, honour or otherwise deliver on the relevant ideals (...)

PIRs are not part of a TI, since a theory of this kind aims at the specification of principles or values and (if there is more than one of them) how they relate to each other. It is not the task of TI, therefore, to conceive of a PIR. What a TI does do is to assert the principles (and their relations) on the basis of which a given institutional arrangement is (or not) reputed as a PIR. For example, given the values of freedom and equality and their specifications made by a TI, regimes like the POD or the LS may or not thought of, under certain conditions, as PIRs. It should be further noticed that, as they are not concerned with institutions (or any other result), TIs are not afflicted by issues of feasibility (Hamlin and Stemplowska 2012: 55).

IT and NIT, by contrast, are theories about institutions (or actions, states of affairs, etc.) which can or not honor the principles of a TI. The role of IT and NIT is to stipulate certain conditions and then assert which institutions, under these conditions, better satisfy the TI. It becomes clear, thus, that only IT and NIT can assume the task of finding something like a PIR. The remaining issue is whether a PIR is best understood as the subject of IT or NIT.

The answer hinges, of course, upon how the distinction between IT and NIT is drawn. Let us consider here two criteria which, according to Hamlin and Stemplowska (2012), may orient this distinction, the criteria of compliance and

fact-sensitivity.²³ We will see that, in both cases, classification of a theory as IT or NIT depends on the conditions the theory stipulates.

Let us start by the compliance standard. Hamlin and Stemplowska argue that compliance gives rise to a continuum where any theory can be placed somewhere between the ideal and non-ideal poles, in the following terms (Hamlin and Stemplowska 2012: 49):

Roughly, a theory assuming full compliance assumes that almost *everyone* does almost *everything* that the normative content of that theory demands of them. Given the presence of at least two variables – the number of compliers and the extent of compliance by each – non-full compliance can take a number of forms, giving us a continuum of (non-)compliance.

Notice that full compliance (or any other degree of compliance) is a condition that a theory on institutional justice may or not stipulate. We can ask which institutions best satisfy the principles of a TI on the condition that, whatever these institutions may be, citizens are motivated and will comply with their rules, if not always, at least most of the time. It is quite possible that such a theory (that Hamlin and Stemplowska would deem as quite ideal) support institutions rather distinct than the ones supported by another theory under which the compliance condition were relaxed.²⁴

23. Other standards considered by Hamlin and Stemplowska (2012) for distinguishing IT and NIT are idealization (IT is based on idealizations, while NIT only abstracts from some facts) and transcendentalism (IT is transcendental, while NIT is comparative). As to the first criterion, I agree with Hamlin and Stemplowska about the difficulty to distinguish between idealizations and abstractions (Hamlin and Stemplowska 2012: 50-51). On transcendental and comparative theories, see below note 32.

24. There is, on the other hand, a sense in which the degree of idealism in a theory assuming full compliance cannot be determined beforehand, since

Another continuum of ITs and NITs follows from a different criterion, fact-sensitivity. “A theory is more fact-sensitive”, Hamlin and Stemplowska (2012: 51) explain, “the more facts it recognizes and incorporates as elements of the model or as constraints on the model.”²⁵ As every theory must draw on some assumptions, it would not be promising to try to differentiate IT and NIT just according to the quantity of facts to which a theory is sensitive. This is not what Hamlin and Stemplowska seem to argue for. Rather they appear to classify a theory as ideal or non-ideal in view of the greater or lesser plausibility of the facts it assumes or the conditions it stipulates.²⁶ In this sense, for example, a theory that assumes some citizens are seriously handicapped and unable to cooperate is more sensitive to facts (and hence less ideal) than another one, like Rawls’s, stipulates the opposite, since the assumption made by the former is more plausible than the latter.

Notice, however, that the plausibility of a condition can be understood in two ways. We can, first, assess the actual plausibility of a condition, that is, we can ask whether it is plausible that this condition currently holds now – let us call this descriptive plausibility. Second, conditions may be thought of as more or less plausible according to their probability of being met in the future – predictive plausibility. To illustrate the difference, let us return to the example above. The condition that every citizen is able to work is surely a rather implausible one descriptively speaking, since we have no knowledge of a society where this condition was ever met. A rather distinct issue, nonetheless, is to judge the plausibility

we will only be able to assess how implausible is assuming compliance after knowing the TI and its demands.

25. Fact-sensitivity is in a sense broader than compliance, since we could see unwillingness to abide by the rules on the part of some citizens as a “fact” to it theories assuming full compliance are insensitive.

26. Hamlin and Stemplowska unduly equate the concepts of ideality and feasibility. I shall come back to this point later.

of the same condition in the future. While one can admit that the condition of universal ability to work is descriptively implausible, there may be a probability greater than zero of a future state of affairs where progress of medical practices will render the assumption true.²⁷

One can thus classify a theory as more or less ideal according to the conditions this theory stipulates, but the sense in which plausibility is important for assessing the idealness of normative theories is usually the predictive one. Since a theory on institutional justice is not a theory about the institutions we have, but about those we ought to have, what matters is the probability of meeting the conditions the theory stipulates at the time (usually a future one) where the theory is followed. For example, suppose a theory on global justice assuming the willingness of all countries to abide by a global authority. What is decisive about the idealness of such a theory is not the fact that many countries refuse now to give up their sovereignty now, but the likeliness they will do it at the time where the institutional set this theory prescribes will be in place.

As Hamlin and Stemplowska (2012) point out, there is a crucial distinction to be drawn between a theory’s idealness (in the sense just referred to) and the feasibility of the institutions the theory recommends.²⁸ Consider a claim on the idealness of some theory: for example, that this theory is

27. The difference between descriptive and predictive plausibility is important because we can have reason to expect that some features currently missing (for example, massive support of progressive taxation by the rich) can take place in the future by force some institutional change.

28. Hamlin and Stemplowska (2012: 52-58) seem to imply that IT and NIT diverge as to the possibility frontier each assumes. NIT would be concerned with institutional arrangements to be adopted under a more modest estimative about what is possible. There is a clear distinction to be drawn, however, between the plausibility of the conditions a theory assumes and the feasibility of the institutions it prescribes.

non-ideal (or less ideal) since it assumes that, without being adequately incentivized, many talented citizens will refuse to employ their abilities in the most useful (from society's point of view) way. We could say that such a theory is less ideal than another one holding under a rather different condition – namely, that talented citizens are willing to maximize the social value of their work regardless of any material incentive – since the former is more likely to be implemented than the latter. Theories on institutional justice like Williamson's POD or Schweickart's LS, which tacitly adhere to the first condition, are in this sense less ideal, hence, than Carens's (1981) theory of market socialism with moral incentives.²⁹ Yet this statement about idealness says little about feasibility. If we assess the feasibility that a left-wing government (*A*) succeeds in implementing anyone of these institutional arrangements in Brazil (*r*) in the next decade (*c*), one will be likely forced to conclude that POD and LS (in Schweickart's fashion, that is, a market socialism with material incentives) are as little feasible as Carens's socialism. Non-idealness and feasibility, therefore, are not to be confused. A institutional scheme can be less ideal than another (in the sense that it is more likely that its conditions will hold in some predictable future) and, at same time, equally unfeasible or even less feasible (for an agent *A* under the circumstances *c*) because of other agents' unwillingness to do their part in achieving it.³⁰

29. In Carens's (1981) socialism, allocation of productive forces takes place freely (that is, in a market), but citizens are moved exclusively by the goal of maximizing the social product. Individual income is not, therefore, a function of demand, but of each one's necessities, hence according to the maxim "from each one according to her capacities, to each one according to her needs".

30. Observe that the conditions on which a theory is based play a normative role. One can talk about the conditions under which a regime is more or less desirable (when the regime is a PIR, there are the conditions under which this regime *is* a PIR). Let us return to Carens's example, taking his ideal of socialism as a PIR on the condition that human beings show strong

One conclusion to be drawn is thus that PIRs may vary both as to their idealness and feasibility. What distinguishes a PIR is the optimal realization of one or more values or principles under certain conditions.³¹ Taking into account the greater or lesser plausibility of these conditions, a PIR (or the theory commanding it) will be less or more ideal. Assessing feasibility is more complicated, since claims about feasibility are agent-relative. Nevertheless, we can, *ceteris paribus*, draw comparisons between PIRs as to their feasibility – for example, one could state that, for the Brazilian president to be elected in 2018, is more feasible to lead the country to a POD than to a LS (or, as would likely be the case under Wiens's account of feasibility as restricted possibility, that the former lies within the feasibility frontier, while the latter ot).

The issue to be faced here, finally, is whether we should be concerned with PIRs that are, in the short run, hardly feasible or unfeasible for the agents who are willing to achieve them. Let us assume that POD is a PIR of this sort. Thus, in spite of POD's plausibility, there is no agent (either individual

altruism. The implausibility of this condition matters for the desirability of Carens's socialism. We have reasons not to pursuit some institutional scheme if it only satisfies optimally a given value (like justice) on a condition whose attendance is unlikely. On the other hand, the implausibility of the altruism condition is irrelevant for feasibility, since the former says nothing about whether the institutions of Carens's scheme can be obtained. It is quite possible that, for an agent *A* in circumstances *c*, achieving this scheme be feasible (or highly feasible). The problem lies in that, without the altruism condition, this result may not be desirable.

31. A theory about a PIR is, thus, a transcendental theory or an instance of 'transcendental institutionalism' in the sense of Sen (2009: 5-6). There is a difference, in consequence, between reputing a theory as transcendental or comparative (the classification Sen has in view) and ideal or non-ideal in the sense mentioned above (on this difference, see also Hamlin and Stemplowska 2012: 51-52). Notice, further, that, ideal or not, a theory about a PIR must always be based on the principle or principles of a TI under which a PIR is taken as such. This TI may also render possible comparisons between regimes that are not PIRs.

or collective) *among those willing to achieve this regime* for whom such accomplishment is significantly feasible (or lies within the possibility frontier) in a predictable future. This being the case, what reasons could we have to devote our time to POD – for example, in order to depicting it in greater detail or defending it against another institutional scheme, like LS?

Before proceeding, it is worth noticing how arguments raised in defense of ideal theorizing will not be helpful in this case as long as they limit themselves to give reasons for developing a TI. As seen above, a PIR can be the subject of either IT or NIT (depending upon the conditions assumed), but not of a TI. Arguing for the convenience of the latter says nothing, therefore, in defense of theories about PIRs. Take the case, for example, of Swift's (2008) response to criticisms against ideal theory. According to Swift (2008: 369), the value of a "context-independent" theorization is to offer "the careful conceptual and evaluative thinking needed to rank the options that social science tells us to be within the feasible set." More precisely, he states (2008: 369):

The role assigned to philosophy (...) is twofold. On the one hand, we need formal or conceptual analysis yielding precision about the various values at stake, how they relate to one another, and so on. Then we can understand exactly which considerations are at stake in any attempt to identify one option as better or worse than another. On the other hand, we also need substantive or evaluative judgments about the relative importance or value of the different values at stake.

Thinking about values and how they relate to each other is not the same, however, as thinking about the institutions through which those values can be promoted. Following Hamlin and Stemplowska's distinction, what Swift stresses in this passage is the role played by TI, and thus not the importance of theories on institutional arrangements like those of POD or LS.

Simmons (2010), by contrast, conceives of a IT as a theory about "the most just institutional structure – namely, as a theory about a PIR. For Simmons, this theory has a target role (2010: 34):

We can hardly claim to know whether we are on the path to the ideal of justice until we can specify in what that ideal consists. While perhaps some of the finer details of ideal theory will make no practical difference to the policies we pursue now (that is, they may make no difference until our actual institutions begin to approach the ideal more closely), the shape of our political ideal must be reasonably precisely specified before nonideal policies can be endorsed by a theory of justice.

Notice, however, that the locution "on the path to the ideal of justice" is ambiguous. If this is about knowing whether a certain institutional change will lead us to a state of affairs fairer than the current one, then what is needed is a TI, and not a theory on some PIR. In order to ascertain which of two states of affairs is more just, it suffices to set the relevant principles of justice and their relative weight, which is, as we already know, the task of a TI. Nothing changes in this respect if we decide to take into account the indirect effects of a given reform and the possibility of path dependence. For example, notwithstanding the fact that some reform would immediately lead us to a better situation in terms of justice, we could refuse to take it on the grounds that doing it would make more difficult in the future to achieve a still better situation, but, in order to do this calculus, all we need (besides some predictive accuracy) is a TI.³²

Another possibility is to understand "on the path to the ideal of justice" as the same as on the path to ideal institutions – in

32. Together with some standard about the discount rate to be applied when evaluating states of affairs that are only achievable in the long run.

other words, on the path to a PIR. In this case, the question we have to ask regarding any proposal for reforming our present institutions is whether this will lead us closer to a PIR. To answer this question, it is obviously indispensable to know how a PIR looks like. There are some problems here, however, beginning to the one of drawing comparisons on the basis of similitude or “distance”. Between two imperfect regimes, it may be hard to assert which one is more similar or “lies” more closely to a PIR. Moreover, path dependence problems may also occur in this case, as we must have to decide between two imperfect regimes, *a* and *b*, from which one, *a*, is more similar to the PIR, but less prone to conduct to a third regime, *c*, which is still more similar to the PIR than *a*. Third, and more importantly: when the PIR is unfeasible, how can we know whether the feasible imperfect regime most close to the PIR is the best feasible regime? In this respect, critiques of ideal theories of justice sometimes point to a kind of second-best problem. According to the economic theorem of second-best, in a scenario where the Pareto optimum depends on two or more conditions, meeting one of them but not the others may not be second-best.³³ Analogously, a state of affairs featuring some (but not all) institutions of a PIR is not necessarily fairer than another one in which fewer or even none of those institutions are present. The only way to know which of two imperfect regimes is more just is comparing them under the light of principles of justice, which only requires a TI and thus not an investigation about the similitude or closeness to a PIR.

33. On the theorem of second-best, see Lipsey e Lancaster (1956). On criticisms against ideal theories of justice drawing on such theorem, see Wiens (2016). The use that Wiens (2016) makes of the second-best theorem for dealing with issues of justice (and morality in general) differs, however, from the one found above. What Wiens defends, in sum, is that a TI's content can vary following the circumstances. The consequence would be that principles endorsed by a TI may hold only for circumstances other than the current ones.

A well-known argument supporting theories that abstract from feasibility issues concerns the epistemological (in opposition to practical) role of moral philosophy (Swift 2008: 366-368). If moral philosophy is about finding the truth about justice and other values (instead of guiding action), one is justified in asking about which institutional schemes are the most just under certain conditions, even though attaining those regimes is unfeasible to the relevant agents (those willing to achieve them) in the actual circumstances.³⁴

Notice, moreover, that inquiry into PIRs may have a practical role (in the sense of telling us what to do) even when the ‘ought implies can’ maxim is taken for granted. If some regime is best in terms of justice, there follows a *pro tanto* reason for achieving it, since we cannot infer from someone’s lack of motivation to do Φ (which she can do) that this agent has no duty to Φ .

One may not be satisfied, however, with knowing that some regime is best under certain conditions or with inferring that agents who are able to achieve this regime in given circumstances have a *pro tanto* duty to achieve it. As Swift (2008: 367) says, we might want our investigation to be practical in another sense, by providing “guidance for action here and now” and that “there to be some non-negligible prospect that the relevant agents can be motivated to act in accordance with that guidance.”³⁵

In this sense, a better way of defending inquiries about

34. See Cohen (2003: 242-243): “But suppose that, like me, you think that political philosophy is a branch of philosophy, whose output is consequential for practice but not limited in significance to its consequences for practice. Then you may, like me, protest that the question for political philosophy is not what we should do but what we should think, even when what we should think makes no practical difference”.

35. As Swift (2008: 368) observes, the ambition stated above may be understood more “as a normative claim about what kind of theoretical work is important or valuable than as an attempt to identify the proper purpose of political philosophy or to specify what should and should not qualify as a theory of justice.”

PIRs (even unfeasible ones) is because of their potential importance to a TI. Even if we first limit ourselves to what is feasible for agents who are or will likely be motivated by our prescriptions, we still need a TI for determining which among feasible reforms will lead to a state of affairs better than the current one. Although a TI is conceptually independent from what we take to be a PIR under given conditions, it might be that, by performing the task of depicting a PIR, we end up learning the proper content of TI. To explain: describing a PIR may help us to test our intuitions regarding a TI and perhaps to revise them, a sort of reflexive equilibrium. We would start, in other words, with some intuitions about a TI and then ask which institutional consequences (the PIR) this theory, as first formulated, would have. If these consequences seem unpalatable to us, we may be led to change our views regarding the TI. Inquiry into a PIR may turn out to be, in this way, indirectly valuable for evaluating feasible reforms.

A caveat to this last argument is that the content of a TI holding for actual circumstances may not be the same of a TI for the circumstances to which a given PIR is idealized (Wiens 2014). Putting it another way, we may be able to learn about a TI when investigating on a PIR, but this learning may be only useful to circumstances other than those of the agents suitable to be moved by our recommendations.

Another argument to granting PIRs a prominent place in political philosophy is motivational. Above we were concerned with PIRs being less feasible or unfeasible to the agents willing to achieve them. It could be remembered, however, that the odds of a PIR being feasible to the relevant agents becomes greater as the number of these agents increases. We would be urged, thus, not giving away of our thinking and arguing about PIRs, since philosophical argument may have a positive motivational effect, raising the number of citizens, including authorities, willing to work for a given PIR – until the point, maybe, where doing this will become feasible to these agents.

This argument, it is easy to see, appeals to uncertainty.

When talking about a PIR like POD or LS, one never knows how many people will be persuaded. This prevents us to discard beforehand the hypothesis that arguing for such regimes will render them feasible to the relevant agents. This, however, does not contradict the claim that, in some cases, it may be highly unlikely to obtain this motivational effect. When this is the case, we have to decide whether paying attention to some idea of a PIR is still worth doing, or whether we would rather devote our time and energy to proposing institutional changes which, albeit unable to lead us to a PIR, can improve the *status quo* and turn out to be feasible to the agents who are listening to us.

Conclusion

This article addressed the issue of perfect institutional regimes (PIRs), defined as regimes that optimally satisfy, under certain conditions, to some value or values. Two examples of PIR were chosen, property-owning democracy (POD) and liberal socialism (LS), the both regimes pointed by Rawls (2001: 138) as suited to honor the principles of justice as fairness.

The goal was to ask whether we have reason to be concerned with a PIR even in circumstances where achieving this regimes is less feasible (or unfeasible) to the agents (either individuals or collectives) willing to achieve them. It was argued, in sum, that paying attention to a PIR in spite of its unfeasibility is warranted if one takes political philosophy as a discipline whose goal is discovering the truth of some matters instead of guiding behavior. Moreover, unfeasibility does not authorize abandoning the debate on a PIR even if one accepts the 'ought implies can' maxim. While reaching a PIR may not be feasible for some particular agent (for example, a leftist government), the opposite may hold for other agents (for example, society as a whole). If a PIR is feasible to someone, then the fact of being a PIR is a *pro tanto* reason for achieving it, no matter the agent's lack of motivation for doing this.

Even if we are interested in doing some difference here and now, it may not be advisable to ignore the idea of a PIR because of its unfeasibility. For those with more immediate concerns, inquiry into a PIR can be warranted, since this inquiry can help us to improve our TI, the latter being indispensable, in turn, to evaluate any proposals for changing the *status quo* that seem to be feasible in the sense that matters for the immediatist (that is, feasible to the agents that are likely to be motivated by our prescriptions). The caveat in this respect is that we may not be able to learn from a PIR something about a TI that holds for our present circumstances. Finally, another reason to focus on a PIR is that we can never know beforehand how many people we are able to persuade. A PIR that is not feasible in the short run for the agents willing to achieve it may become feasible in the long run thanks to the motivating impact of arguing about it. In settings, however, where this impact is highly unlikely, it may be the case of acknowledging that our efforts will be more useful in proposing modest reforms (unable to lead us to institutional perfection) that are feasible.

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REFERENCES

- Ackerman, B.; Alstott, A. (1999). *The Stakeholder Society*. New Haven: Yale University Press.
- Carens, J. H. (1981). *Equality, Moral Incentives, and the*

- Market: An Essay in Utopian Politico-Economic Theory*. Chicago: University of Chicago Press.
- Cohen, G. A. (2003). Facts and Principles. *Philosophy & Public Affairs* 31(3), pp. 211-245.
- Gilabert, P.; Lawford-Smith, H. (2012). Political Feasibility. *Political Studies* 60, pp. 809-825.
- Hamlin, A.; Stemplowska, Z. (2012) Theory, Ideal Theory and the Theory of Ideals. *Political Studies* 10, pp. 48-62.
- Hussain, W. (2012). Nurturing the Sense of Justice: The Rawlsian Argument for Democratic Corporatism. En M. O’Neill y T. Williamson (Eds.), *Property-Owning Democracy: Rawls and Beyond*. Malden: Blackwell (pp. 180-200).
- Lawford Smith (2012). The Feasibility of Collectives’ Actions. *Australasian Journal of Philosophy* 90(3), pp. 453-467.
- Lawford-Smith, H. (2013). Understanding Political Feasibility. *Journal of Political Philosophy* 21(3), pp. 243-259.
- Lipsey, R. G.; Lancaster, K. (1956). The General Theory of Second Best. *Review of Economic Studies* 24(1), pp. 11-32.
- Malleson, T. (2014). Rawls, Property-Owning Democracy, and Democratic Socialism. *Journal of Social Philosophy* 45(2), pp. 228-251.
- Meade, J. (2012). *Efficiency, Equality and the Ownership of Property*. New York: Routledge.
- O’Neill, M. (2012) Free (and Fair) Markets Without Capitalism: Political Values, Principles of Justice, and Property-Owning Democracy. En M. O’Neill y T. Williamson (Eds.), *Property-Owning Democracy: Rawls and Beyond*. Malden: Blackwell (pp. 75-100).
- Rawls, J. (2001). *Justice as Fairness: A Restatement*. Cambridge: Belknap Press.
- Roemer, J. E. (1994). *A Future for Socialism*. Cambridge: Harvard University Press.
- Schefczyk, M. (2013). Background Justice Over Time: Property-Owning Democracy Versus a Realistically Utopian Welfare State. *Analyse & Kritik* 1(2013), pp. 193-212.

- Schweickart, D. (2002). *After Capitalism*. Lanham: Rowman & Littlefield.
- Schweickart, D. (2012). Property-Owning Democracy or Economic Democracy? En M. O'Neill y T. Williamson (Eds.), *Property-Owning Democracy: Rawls and Beyond*. Malden: Blackwell (pp. 201-222).
- Sen, A. (2009). *The Idea of Justice*. Cambridge: Belknap Press.
- Simmons, A. J. (2010) Ideal and Non-ideal Theory. *Philosophy & Public Affairs* 38(1), pp. 5-36.
- Swift, A. (2008). The Value of Philosophy in Non-ideal Circumstances. *Social Theory and Practice* 34(3), pp. 363-387.
- Valentini, L. (2012) Ideal Vs. Non-ideal Theory: A Conceptual Map. *Philosophy Compass* 7(9), pp. 654-664.
- Vallier, K. (2015). A Moral and Economic Critique of the New Property-Owning Democrats: On Behalf of a Rawlsian Welfare State. *Philosophical Studies* 172, pp. 283-304.
- Weale, A. (2013). The Property-Owning Democracy Versus the Welfare State. *Analyse & Kritik* 1(2013), pp. 37-54.
- White, S. (2012). Property-Owning Democracy and Republican Citizenship. En M. O'Neill y T. Williamson (Eds.), *Property-Owning Democracy: Rawls and Beyond*. Malden: Blackwell (pp. 129-146).
- Wiens, D. (2014). Political Ideals and Feasibility Frontier. Available at: https://www.researchgate.net/publication/273695020_Political_Ideals_and_the_Feasibility_Frontier
- Wiens, D. (2016). Assessing Ideal Theories: Lessons from the Theory of Second Best. *Politics, Philosophy & Economics* 15(2), pp. 132-149.
- Williamson, T. (2012). Realizing Property-Owning Democracy: A 20-year Strategy to Create an Egalitarian Distribution of Assets in the United States. En M. O'Neill y T. Williamson (Eds.), *Property-Owning Democracy: Rawls and Beyond*. Malden: Blackwell (pp. 225-248).

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