

BEYOND “OUGHT IMPLIES FEASIBLE”

AN ACCOUNT OF FEASIBILITY RESTRICTIONS FOR A PRACTICAL POLITICAL PHILOSOPHY

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Abstract: What kinds of feasibility restrictions should be taken into account in practically relevant political philosophy? David Estlund argues that “ought” does not imply “can will,” and, hence, that we should be very cautious regarding the inclusion of motivational restrictions in political philosophy. As Nicholas Southwood and David Wiens point out, however, Estlund’s position clashes with the requirement that “ought” implies “feasible.” The present article argues that even though we must accept that “ought” implies “feasible,” this does not settle the question regarding the adequate set of feasibility restrictions to be included in applied normative thinking. Instead, we need to distinguish different kinds of normative theory that require different sets of feasibility restrictions. For this, the article provides a taxonomy of feasibility restrictions and a preliminary discussion of the adequate set of feasibility restrictions for different kinds of normative theory.

Keywords: feasibility, ideal theory, institutional design, political philosophy, ought implies can, ought implies feasible.

1. Introduction

The relevance of empirical restrictions for normative thinking is a highly contested and fundamentally important question in political philosophy. Many theorists argue that normative proposals often do not adequately take empirical restrictions into account regarding their possibility and effectiveness (Brennan and Pettit 2007; Sen 2009; Wiens 2012). The inclusion of empirical restrictions into normative thinking sometimes implies the weakening of moral demands, however. Imagine a case where, from a purely moral point of view, redistribution of income is required to combat severe poverty. If we now recognize the unwillingness of well-off citizens to campaign and vote for increasing taxes as an unchangeable constraint, we might end up with moral recommendations that fall short of our moral ideals. On the other hand, making demands that cannot be realized seems equally counterintuitive.

David Estlund (2011) and Nicholas Southwood (2016) aim to solve this dilemma in different ways. Both try to reconcile our intuition that “ought” implies “can” (Estlund) or “ought” implies “feasible” (Southwood) with the intuition that agents who are unwilling to comply with moral demands should not be excused by elevating their unwillingness to an empirical constraint on moral requirements. The problem arises because it seems that agents who can’t *will* to comply with certain “oughts” also cannot comply with them: if the willing of agent *A* to do *X* is a necessary condition for the realization of *X*, *X* appears to be infeasible if *A* can’t will to do *X*.

In this paper, I argue that even though we must accept that “ought” implies “feasible,” this does not settle the question of what kind of empirical restrictions ought to be included in practically relevant normative thinking (section 2). Instead, we must look at the moral and epistemic requirements of different approaches to solve practical normative questions: I show that different kinds of normative theory require recognizing different sets of feasibility restrictions (section 3). In order to identify the adequate set of feasibility restrictions for different kinds of normative theory (section 5), I introduce a taxonomy of feasibility restrictions (section 4).

2. “Ought” Implies “Feasible” and the Relevance of Feasibility Restrictions

Empirical restrictions are relevant for political and moral philosophy in many ways (see, e.g., Miller 2008). One important aspect concerns the feasibility of normative recommendations regarding institutions and actions.

Many political philosophers maintain that “ought” implies “feasible” (Southwood 2016).¹ Feasibility issues concern two dimensions of normative proposals (Cohen 2009, 55–57):

1. Accessibility: If some agent *A* is morally required to do *X*, it should be possible for *A* to do *X*.
2. Effectiveness: If *X* serves some morally important goal *G*, *X* should be an effective means to realize *G*. Furthermore, one might suppose that *X* should be an effective means all things considered or, at least, should not have disastrous consequences with regard to other morally important goals.

¹ With respect to accessibility, this is similar to the familiar principle that “ought” implies “can”: see Wiens 2016, 333.

These dimensions of feasibility correspond to different tests for normative proposals.² They have in common that they formulate some sort of empirical constraint on moral recommendations. Admitting certain types of feasibility constraints on normative theory, however, seems to restrict the range of adequate moral recommendations improperly. For example, “[i]magine a mercantile and materialistic polity, Pecunia, in which achieving a modest improvement in the economic position of the poor by progressive taxation is infeasible inasmuch as most members of the middle-class majority simply cannot bring themselves to work at the requisite level of intensity for less pecuniary gain” (Southwood 2016, 7). Accordingly, if we interpret the Pecunians’ motivational incapacity as a restriction on feasibility and simultaneously accept that “ought” implies “feasible,” we cannot criticize the Pecunians from a moral point of view for failing to work harder at higher marginal tax rates. To let the Pecunians off the hook like this, however, seems to be wrong for moral reasons: it seems to be true that they ought to support the poor by making it true that a more just distribution of goods can be realized (Southwood 2016, 8; Cohen 2008; Estlund 2011).

On the other hand, the importance of taking into account feasibility restrictions in practically relevant political philosophy seems equally obvious: If normative theories formulate practical recommendations, the agents to whom these recommendations are directed should be able to conduct the required actions. Thus, it seems to be clear that “ought” implies “feasible” (Southwood 2016, 7–8).³

Yet, Estlund (2011) questions whether “ought” implies “can will”: if it is true that “ought” implies “can will,” motivational restrictions that prevent the Pecunians from working harder at higher tax rates eliminate the moral requirement to do so. Thus, if we reject “ought” implies “can will,” we could still argue that the Pecunians ought to work more at higher tax rates, despite the fact that they can’t bring themselves to do so.

² Feasibility restrictions affect deontological and consequentialist normative principles differently: deontological principles directly prescribe certain actions or institutions. Thus, restrictions on accessibility directly constrain the applicability of deontological principles. Restrictions of effectiveness affect the plausibility of deontological principles with respect to an external (from the perspective of the deontological principles) consequentialist moral standard. In contrast, consequentialist principles do not logically imply certain actions or institutional designs. Therefore, only the recommendations for action or institutional designs that are derived from the principles are subject to constraints on accessibility or effectiveness, not the principles themselves (Sirsch 2020; Brennan 2013).

³ At least with respect to accessibility. If an action *X* is generally morally required but is not accessible for some person *Y*, “ought” implies “feasible” implies that *Y* does not have the moral duty to try to realize *X*. With respect to effectiveness, the situation is more complicated. Assume now that *X* is accessible for *Y*, but it would not effectively realize the moral goal *A* that would make an action morally desirable. This is due to the empirical constraint *B*. If we subscribe to *A*, we conclude that *Y* ought not to realize *X* due to the feasibility constraint *B* and goal *A*.

To make his case, Estlund uses the example of Bill the garbage dumper:

Consider a plausible moral requirement to refrain from dumping your household garbage by the side of the road. Suppose Bill pleads that he is not required to refrain from dumping because he is motivationally unable to bring himself to do it. . . . He is simply deeply selfish and so cannot thoroughly will to comply. Dumping his trash by the road is easier than wrapping it properly and putting it by the curb or taking it to the dump. He wishes he had more willpower, and yet he doesn't have it. Refraining is something he could, in all other respects, easily do, except that he can't thoroughly will to do it. (2011, 219–20)

Estlund argues that Bill's excuse is not sufficient to release him from the moral duty to refrain from dumping his trash in the wrong places. In a certain sense of "ability," Bill would be able to refrain from dumping the trash: if he tried to do so, he certainly would succeed (2011, 213; Wiens 2016, 336). Therefore, Estlund concludes that from "ought implies can" it does not follow that "ought implies can will" (2011, 220). This, however, would also require that "ought implies feasible" must be rejected (or qualified with respect to some sources of infeasibility, namely, aspects of human motivation).⁴

As Wiens (2016) and Southwood (2016) argue, it does not make sense to issue normative recommendations that tell Bill to do what he cannot be motivated to do and, hence, will not do. Yet, how do Wiens and Southwood get around the *prima facie* plausible supposition that motivational incapacities like this cannot be used as excuses? Suppose it is not trash being dumped but mass murder that is committed for reasons of selfishness and personal enjoyment. Must normative theory be silent about these things if the agents involved are motivationally incapable of wanting to act otherwise?

Southwood (2016) holds that both ways of evaluating these examples have *prima facie* plausibility. He argues that the way of reconciling the conflicting positions is to argue that it is true both that "ought" implies "feasible" and that Bill ought to refrain from dumping the trash where it does not belong.⁵ As a solution to the dilemma, Southwood argues that our conflicting intuitions can be reconciled by different conceptions of "ought": "hypological oughts" and "deliberative oughts."

He defines "deliberative oughts" as "ought claims . . . that are supposed to be fit to be used in practices of (practical) deliberation" (Southwood

⁴ It must be rejected because "can't will *X*" implies "*X* is not feasible" if the willing of *X* is a necessary condition for *X*.

⁵ Wiens argues that Estlund's understanding of "ability" is in fact compatible with the relevance of motivational incapacities (2016, 340–48). This, however, only undermines Estlund's argument based on his conception of "ability"; it does not solve the dilemma created by our conflicting moral intuitions in the cases described above.

2016, 28). Thus, this class of “oughts” is supposed to be used when we search for practically relevant solutions to moral problems. In Southwood’s view, practical deliberation has the aim of figuring out what to do: “the constitutive aim of practical deliberation includes determining how we will act by deciding how to act” (33). Hence, only feasible options can figure in practical deliberation, since infeasible options are *per definitionem* irrelevant for this kind of question: one must be able to realize the option under consideration and have the capacity to (decide to) perform it (33–35).

As a second class of “oughts,” Southwood identifies “hypological oughts,” which involve “practices of directing criticism toward others and ourselves” (2016, 40). He states that these kinds of oughts do not imply feasibility, because “the constitutive aim of prospective criticism is simply to hold one another (and ourselves) accountable for how we act” (41). This kind of criticism is appropriate when “the agent . . . [is] capable of registering, acknowledging, and being appropriately responsive to the prospect of criticism” (41). Therefore, as Southwood notes, the agents under consideration need not be able to do right now what they are criticized for not doing (42).

The dilemma described above remains, however, since the kind of ought that we mostly care about is the practical-deliberative one. Our intuition that “Bill ought to dump the trash properly” implies that he ought to dump the trash properly, despite the fact that he can’t will it. This becomes clear when we consider another argument described by Estlund: “People tend to a certain degree of cruelty, and this is part of what they are motivationally like as a matter of human nature. (Suppose this is so.) Therefore, requirements to be otherwise are specious and false” (2011, 224). Estlund argues that this argument fails and, hence, that motivational restrictions cannot in principle (in the sense of “ought implies can will”) shield agents from moral requirements (224). Moreover, in this case, the requirement not to be cruel is clearly a practical requirement. Therefore, our moral intuition in cases like this applies to the class of deliberative oughts. Thus, it is questionable whether positing the existence of the hypological category is sufficient to accommodate our intuitions regarding the cases presented.

In addition, if Bill really is incapable of willing to dump the trash correctly, it is also questionable whether the category of hypological ought can better be applied to him than the category of deliberative ought. As we have seen, “ought” in the sense of “hypological ought” presupposes that the agent in question is “appropriately responsive” to moral reasons (Southwood 2016, 41). For example, in the case of Bill, “being appropriately responsive” could mean he should “compensate his neighbors” (Southwood 2016, 42) instead of refraining from dumping the trash. What, however, if there is no feasible action that fully compensates for Bill’s behavior? Then, it seems that Southwood’s hypological ought cannot be employed to account for our intuition that Bill ought to refrain from

dumping the trash. Bill is motivationally incapable of refraining from dumping the trash, and he is incapable of compensating others for his failure. In this case, from the perspective of hypothetical ought, we would have to let Bill off the hook because he is not capable of being appropriately responsive to the moral reasons presented to him. We still, however, think that Bill is morally required to refrain from dumping the trash or to appropriately compensate his neighbors.

Thus, this seems to be a case where our moral intuitions diverge: some (e.g., Wiens [2015]) argue that Bill cannot be held responsible, while others (such as Estlund [2011]) argue that the example supports the contention that motivational restrictions do not restrict moral judgment in cases like this—which conflicts with “ought implies feasible.”

In order to move the debate forward, I propose an alternative way to accommodate our intuition that Bill ought to dump the trash properly with our intuition that “ought” implies “feasible.” Southwood’s and Estlund’s thought experiments contain unrealistic assumptions, which restrict their applicability: under realistic conditions, neither agents like Bill nor other people could possibly know with certainty that there are motivational constraints that make the required actions impossible—unless circumstances are very exceptional.

Furthermore, in most cases it would be unreasonable to assume that agents like Bill are motivationally incapable of willing to act in accordance with the moral standards in question. Thus, even though it might be true from a perspective of perfect knowledge that Bill cannot act otherwise, from a realistic, evidence-relative perspective, it would be absurd to assume that Bill cannot will to refrain from dumping the trash on the street (unless very exceptional circumstances apply to Bill). For neither Bill nor other observers could reasonably conclude that Bill cannot will to refrain from doing so. Rather, we normally assume that it is possible for people to reflect on and modify their motives, and *this* is an assumption that underlies our standard moral practice (see Rawls 2005).

This does not imply, however, that motivational restrictions can be ignored in moral thinking. Assume that we are governing a city that has many people like Bill. Assume too that there is sufficient evidence that these people are unlikely to comply with the norms of garbage disposal for moral reasons alone. Then, from a perspective of normative institutional design, it is reasonable to institutionalize a scheme of incentives that will likely bring about the desired behavior, instead of relying on people to voluntarily dispose of the trash correctly.

We can now describe the way out of the dilemma as follows. Our conflicting considered judgments regarding the cases do not result from conflicting intuitions regarding “ought implies feasible.” Rather, they result from the design of the cases that are used in these kinds of arguments. To trigger our intuitions, Estlund (2011) and Southwood (2016) use cases where some person *P* is unable to do *X* because *P* cannot will to do *X*.

These cases seem paradoxical because, on the one hand, we have a strong moral intuition that the person ought to do *X* in the given situation (and that “not willing to do *X*” is no proper excuse), while, on the other hand, we have the strong moral intuition that “ought” implies “feasible.”

These intuitions do not, however, necessarily contradict each other if the intuition that “*P* ought to do *X*” does not come from a rejection of “ought implies feasible” or “ought implies can will” but rather comes from the intuition that “*P* can will *X*” and, accordingly, could succeed in doing *X* (contrary to the assumption of the original thought experiment). Normally, we interpret behavior on the assumption that people can will what they ought to do in cases that involve dumping their trash on the streets, not voting for Nazi parties, or institutionalizing redistributive welfare states. This assumption constitutively underlies our standard moral practice—especially when the purported reason for infeasibility derives from assumptions about human motivation. Since our moral intuitions are accustomed to the assumptions underlying our standard moral practice, they are led astray by the unrealistic assumptions of the thought experiments described above.

Consequently, we can both retain the proposition that “ought implies feasible” and our standard moral practice of criticizing people like Bill who dump their trash into the ecosphere. The moral dilemma results mostly from the stylized nature of the thought experiments that are being used as examples in the discussion (for further problems of idealization in thought experiments, see Wood 2011). From this perspective, the seemingly conflicting intuitions regarding these cases are actually compatible.

While discussions of cases like this in the philosophical literature advance our understanding regarding criteria where it is appropriate to use moral language, they are not helpful for solving problems regarding the relevance of restrictions on feasibility in the majority of practically relevant cases. As we have seen, for practical purposes, the assumptions of our standard moral practice apply. In this case, relying on “ought implies feasible” alone does not suffice to decide whether a certain restriction on feasibility is relevant or not. As we have seen, from the perspective of a policymaker trying to devise a policy for garbage disposal in a big city, it might make sense to treat the behavior of people like Bill as an unalterable fact and devise policies on this basis, for example by institutionalizing a public service that cleans up the streets. This does not require the policymaker to prove that Bill can’t will to dispose the trash correctly. Rather, from a pragmatic perspective, institutionalizing a policy that does not assume that people like Bill refrain from dumping their trash on the streets might make sense as the least disruptive means to get reasonably clean streets.

Thus, among other things, the selection of relevant feasibility restrictions depends on who the addressee of moral theorizing is (Laurence 2020). Consider the question whether individuals ought to give money to charities

helping the desperately poor in faraway countries. In this case, the argument that only a very small set of people is likely to give money for that purpose does not contradict the moral duty to do so (Singer 1972, 232–34). On the other hand, if we try to determine morally appropriate government policies with the aim of improving material conditions for the poor, we should take into account that private contributions are likely to remain low. Thus, even if we accept that “ought implies feasible,” we still need to decide which kinds of restrictions should be taken into account in practically relevant normative thinking, and in what way they should be taken into account.

Therefore, I argue that we need to identify different kinds of feasibility restrictions that might—depending on the kind of normative theorizing—be of more relevance or of less relevance for political philosophy. Thus, even though we accept that “ought implies feasible,” this has different implications for different kinds of normative theory. For example, the adequate set of feasibility restrictions might depend on whether we search for a long-term or a short-term solution for social and political problems.

Thus, normative theory has different purposes, and these different kinds of normative theory come with different sets of feasibility restrictions.

3. Different Types of Practically Relevant Normative Theory

In the previous section, I argued that “ought” implies “feasible” but that this does not imply that all restrictions of feasibility must be recognized in all types of normative theorizing. In order to provide an account of appropriate feasibility restrictions for political philosophy, the remainder of the paper deals with two issues: first, I propose different dimensions of feasibility restrictions and, second, I show that different approaches of normative theorizing (need to) take into account different sets of feasibility restrictions.

To demonstrate these differences concerning different types of normative theories, I focus on two kinds of practically relevant normative theory that play an important role in the discussion regarding the appropriate methodology of political philosophy: “ideal theory” as part of the “ideal guidance approach” (Rawls 1999; Simmons 2010; Sirsch 2020) and the “comparative approach” (Sen 2009; Wiens 2012). Regarding practically relevant normative theory, these two approaches lie at opposite ends of a spectrum regarding the relevance of feasibility restrictions.

While this section characterizes the competing approaches, the next section deals with different kinds of feasibility restrictions. This lays the groundwork for section 5, where I show that comparative theory and ideal theory (as part of the ideal guidance approach) require the recognition of different kinds of feasibility restrictions.

The purpose of ideal theory is to provide a long-term aspirational goal that should offer guidance for our decisions here and now (Rawls 1999).

Ideal theory consists of ideal principles—that is, principles that are constructed from an idealized point of view, such as Rawls’s original position—and ideal institutions—that is, institutions that are constructed on the basis of ideal principles assuming social conditions that are conducive to the realization of justice. A kind of practical reasoning that uses ideal theory is called the “ideal guidance approach” (Wiens 2012). If ideal institutions cannot be implemented right away, the ideal guidance approach consists of five steps to evaluate currently available institutional alternatives on the basis of ideal theory (Rawls 1999; Simmons 2010; Sirsch 2020).

1. Ideal principles (for example, Rawls’s principles of “justice as fairness”) must be formulated.
2. Ideal principles are applied to identify an ideal set of institutions (for example, Rawls’s “property owning democracy”). For this step, some feasibility restrictions are ignored, so that the ideal institutions provide an ambitious target for long-term reform. The institutional ideal must not be realizable right now but serves as a target for piecemeal reforms.
3. Ideal principles are used to rank *available* piecemeal reform options in terms of the moral desirability of their intrinsic properties and their consequences. For this, a more comprehensive set of feasibility constraints is taken into account (compared to the construction of ideal institutions).
4. The available piecemeal reform options are subjected to a second evaluation, this time in terms of their conduciveness to the long-term realization of the ideal institutions.
5. If (3) and (4) do not recommend the same option, the overall moral desirability of available alternatives must be determined. For this, the long-term goal of realizing ideal institutions must be weighed against short-term costs (Rawls 1999, 217–18). Depending on their scope, ideal principles can be used to provide a comprehensive evaluation—but this might not be so in all cases. For example, Rawls provides slightly altered principles for the evaluation of some non-ideal circumstances, while the ideal principles are sufficient for others (1999, 216, 475–76).

According to the ideal guidance approach, we construct ideal institutions that are subject to feasibility constraints of an idealized yet in principle realizable world. These ideal institutions are used to identify a long-term blueprint for institutional reform that informs our practical thinking. It remains unclear, however, which aspects of feasibility should be accommodated in the design of ideal institutions, and which should play no role in the design process.

In contrast, the “comparative approach” evaluates currently available institutional solutions without taking into account whether these are part

of the institutional framework of an ideal society or whether they bring social conditions closer to such an ideal. Its proponents assume that the identification of obvious cases of injustice and the analysis of how they come about are more important for finding appropriate solutions that are available under current conditions than identifying an ideal society (Sen 2009; Wiens 2012). According to Wiens, the comparative approach “takes averting failure to be the primary design aim” (2012, 52). It focuses on “theorizing that prescribes feasible institutional solutions to actual injustice” (46). For Sen, the comparative approach aims to “address questions of enhancing justice and removing injustice, rather than to offer resolutions of questions about the nature of perfect justice” (2009, ix). For this, it needs to provide “an agreement, based on public reasoning, on rankings of alternatives that can be realized” (17). Thus, both versions of the comparative approach focus on the evaluation of currently available alternatives to rectify some injustice. It remains unclear, however, what “being available” actually means. Must there already be sufficient political support for the realization of an institutional proposal or is there a certain threshold of probability of success below which institutional proposals become infeasible? Clearly, these are issues regarding the adequate accommodation of feasibility restrictions. Thus, also for the comparative approach, the question of what kinds of feasibility restrictions are relevant—and in what way they are relevant—has not yet been adequately resolved.

Summing up, the main difference between the ideal guidance approach and the comparative approach does not arise with respect to the question whether restrictions of feasibility are relevant or not. Rather, they propose different ways to derive practical recommendations for institutional design from moral principles. Accordingly, different sets of feasibility restrictions are to be accommodated by the two approaches.

As I argued above, “ought implies feasible” does not answer the question regarding appropriate sets of feasibility restrictions for different approaches to constructing practically relevant normative theory. Systematic thinking about feasibility in normative theory requires both an understanding of the purpose of the different ways of practical normative thinking and a nuanced understanding of feasibility restrictions. A better understanding of different kinds of feasibility restrictions would be useful for defining appropriate sets of feasibility restrictions for these different kinds of normative theory. Therefore, in the next section I propose a categorization of different dimensions of feasibility.

4. Dimensions of Feasibility Restrictions

With the different types of normative theory in mind, I will now propose a theoretical framework for categorizing different types of feasibility restrictions (see also Sirsch 2020). We face countless restrictions on feasibility

when designing and implementing institutions. For example, when we want to determine a just welfare state regime, we might consider whether it is possible to implement candidate regimes given the current political climate and public opinion. In addition, we might consider whether these regimes will perform according to our moral standards when people are mostly self-interested or whether continuing public support for the institutions is compatible with moral psychology. For each of these empirical restrictions there are different reasons for and against accommodating them in normative theory. Thus, in order to get a more systematic grasp of these issues, it is helpful to construct categories of feasibility restrictions that group similar restrictions—in terms of our reasons to treat them in a certain way—in the same category.

Accordingly, in this section I propose several categories in order to provide a useful scheme for discussing issues of feasibility in normative theory. Even though this discussion might be somewhat technical, I use some examples to illustrate that the categories are useful for normative thinking.

4.1. Political Accessibility and Dimensions of Technical Feasibility

Differentiating between political accessibility and technical feasibility provides an important distinction among feasibility restrictions for institutional design (Cohen 2009, 56). Political accessibility concerns the question whether it is possible to implement an institutional design. On the other hand, when we look at institutional designs from the perspective of technical feasibility, we ask whether the implementation of an institutional design would effectively realize our goals.

Restrictions of feasibility can be grouped accordingly: restrictions on political accessibility result from facts or mechanisms that prevent an institutional proposal from being realized. Examples of these kinds of restrictions are the political composition of the legislature, public opinion, legal restrictions, and so on. On the other hand, technical feasibility refers to facts and causal mechanisms that influence the proper functioning of institutional designs once they have been implemented.

Now, technical feasibility can be differentiated further: we should distinguish the question of whether the institutions would be effective when we introduce them—call this the dimension of “effectiveness” (Brennan and Pettit 2007)—from the question of “political stability,” that is, whether the institutions would be stable after being introduced (Rawls 1999, 398; Cohen 2009, 139). For example, when a certain set of institutions is being introduced, their introduction might upset powerful interests that would undermine these institutions politically. This is a question of political stability. Furthermore, even though initially effective institutions remain stable, the effects that are attributable to these institutions might not be. For example, agents might adapt their behavior over time so that institutions lose their effectiveness in the long run. This dimension can be called

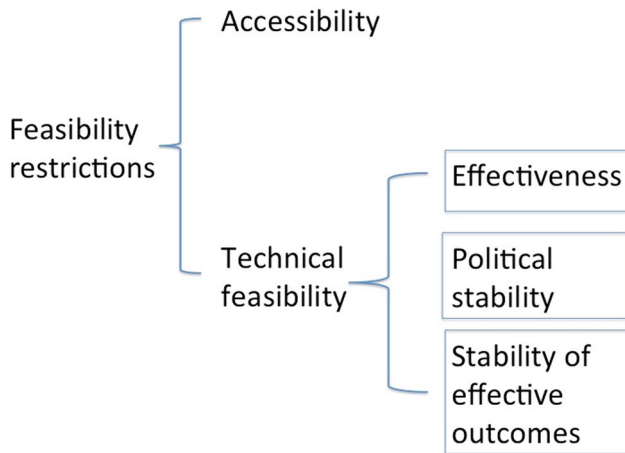


FIGURE 1. Political accessibility and dimensions of technical feasibility [Colour figure can be viewed at wileyonlinelibrary.com]

“stability of effective outcomes.” Figure 1 shows that we can differentiate among restrictions regarding “accessibility,” “effectiveness,” “political stability,” and the “stability of effective outcomes.”

These categories, however, are still not differentiated enough for deciding whether restrictions from one of the categories should be taken into account in institutional design or not. Therefore, I have added a modal and an ontological dimension. The modal dimension distinguishes whether restrictions constrain our options only under some circumstances (contingent restrictions) or whether they are relevant constraints under all circumstances (necessary restrictions). In contrast, the ontological dimension indicates that the admissibility of restrictions also depends on the kind of fact from which a restriction results. For example, it makes a difference from a moral point of view whether an excuse relies on a motivational fact (for example, someone does not want to act morally) or some non-motivational constraint (for example, someone lacks access to a required resource for some act). In the following subsections, I illustrate both dimensions further.

4.2. *The Modal Dimension of Feasibility Restrictions*

With the dimensions of technical feasibility and political accessibility, we have distinguished restrictions on feasibility with respect to *what* they restrict (for example, whether they restrict the stability of effectiveness of some proposal). It is also relevant, however, whether specific restrictions of feasibility are always constraining our choices or whether they do so

only with a certain probability (Lawford-Smith 2010). This is captured by the modal dimension of feasibility restrictions. Intuitively, in practical decision-making, it makes sense to take into account restrictions that are always relevant. Let me call these restrictions “necessary restrictions.” For example, these could be restrictions that result from psychological mechanisms that are not due to contingent cultural facts but result from biologically determined aspects of human nature (Sirsch 2020). For example, some have argued that reciprocity could be such a necessary constraint of moral psychology on political proposals (Rothstein 2011), while others have argued that moral evolution is not yet finished and allows for the widespread adoption of an impartialist morality (Singer 2011, 119).

On the other hand, some restrictions are present only in some circumstances—for example, restrictions that are only relevant under nonideal circumstances or in certain places. For these, it is an open question whether they must be taken into account in our moral thinking. For example, taking into account restrictions that arise only under specific nonideal circumstances might sometimes unduly limit our moral imagination. Consider the case of an affluent, democratic society that does not guarantee universal health care to its citizens. The status quo, however, is strongly supported by a large majority in that society. Clearly, the majority support for not providing universal health care is not a necessary fact but could change over time, as is the case with public opinion generally. The fact that this restriction is not permanent obviously makes a difference for practical thinking: it makes sense to discuss reasons for and against universal health care in this society. If, however, the rejection of universal health care were to be a permanent feature of this society (and let us assume that we know this with certainty), it would be doubtful whether practical political philosophers discussing the introduction of universal health care were making a relevant contribution to practical thinking (at least, it would be a different kind of contribution).

Thus, for every dimension of accessibility and technical feasibility, a further distinction can be made with regard to modality. In addition, there might be restrictions that are contingent overall but permanent in certain places (“local necessary restrictions”). To recognize this dimension is important: it might, for example, reduce the applicability of some forms of ideal theory to certain places, where certain locally permanent constraints are prevalent. Since, however, even cultural and institutional differences most certainly do not fall into the necessary category (Phillips 2007), it is likely that only some natural restrictions can be subsumed under the category of local necessary restrictions.

More important, it might make a difference for practical thinking whether a contingent restriction is only a possible restriction down the road or whether it is actually present right now in a certain place (a “locally present contingent restriction”). For example, while ideal theory is much less concerned with locally present contingent restrictions, because these

could be overcome in principle, comparative theorists might be inclined to take locally present contingent restrictions much more seriously because they focus on options that are relevant right now (Sen 2009).

Thus, categorizing feasibility restrictions according to the modal dimension seems pretty straightforward. It is reasonable, however, to question whether categorizing feasibility restrictions according to modal criteria is itself epistemically feasible: the social sciences have to deal with complicated empirical phenomena, and so causal relationships are pretty hard to identify. Accordingly, hardly any causal laws or mechanisms have yet been identified (Elster 2007, 35). On this basis, the usefulness of the binary distinction between contingent and necessary constraints may be questioned. A more detailed discussion of this problem, however, would lead us too far astray in this paper.⁶ But one can think of pragmatic solutions to this problem—for example, further categories that differentiate restrictions according to high, medium, or low probability could be introduced.

4.3. *The Ontological Dimension of Feasibility Restrictions*

The last dimension I want to introduce is the ontological dimension of feasibility. This category is important because it clearly makes a difference *from what kind of fact* a certain restriction results. Let me make this clearer by means of an example. From a moral point of view, we evaluate excuses differently when they result from different kinds of facts. Returning once more to the case of Bill the garbage dumper, it is morally relevant what kind of restriction he cites as an excuse for his behavior. If he lacks the means to dispose of his waste in an orderly way because due to illness he cannot walk to the nearest trash can and other means are not available to him, his behavior is much more excusable than when he justifies it by reference to his unwillingness to do so. Accordingly, the ontological dimension differentiates with respect to the kinds of facts that underlie feasibility restrictions. Some restrictions result from subjective motivations or beliefs, while others may be due to the lack or abundance of certain natural resources or the institutional structure of society.

My point is that the type of source of a certain restriction makes a difference for the decision whether this restriction should be relevant in normative thinking. For example, there are several reasons for treating constraints stemming from human beliefs or motivations differently than other constraints.

Consider an institutional proposal in a democratic society. Should we consider public opinion regarding this proposal as a restriction that we take into account when assessing the merits of the institutional proposal?

⁶ See Brennan 2013 and Sirsch 2020 as well as Gilabert and Lawford-Smith 2012 for analysis.

If we did, normative theory could—in the extreme case—become dependent upon public opinion (Estlund 2020, 5). I have already provided several moral and methodological reasons against this. These reasons are not conclusive, however, with regard to the question whether to include motivational facts in feasibility assessments at all. Sometimes, there are good reasons to include motivational facts in normative institutional design, since our institutional proposals might otherwise not bring about the desired effects (Brennan and Pettit 2007). Therefore, the relevance of motivational facts differs with respect to the other dimensions. For example, contingent motivational facts might be irrelevant for considerations of political accessibility, while they should be taken into account in technical feasibility. This is because political philosophy ought to provide reasons for political agents (citizens and professional politicians alike) for and against certain proposals. Providing reasons in a pure and honest form requires that we do not accommodate the preconceptions of these persons as restrictions for our reason-giving (Estlund 2020). Whether we have reasons to implement a certain proposal also depends, however, upon how it might fare if it were implemented. Determining this probably requires taking into account some contingent motivational restrictions (Sirsch 2020).

I believe that these categories enable us to discuss our options regarding feasibility restrictions in normative institutional design. For each of these categories, we have to decide whether it should be accommodated in normative theory.

5. Feasibility Restrictions for the Comparative Approach and Ideal Institutional Design

In this section of the paper, I show how the proposed categories help us to ask the right kinds of questions regarding the appropriateness of feasibility restrictions for different sorts of normative theory. I do this only in a sketchy way, highlighting controversial dimensions of feasibility with respect to the comparative approach and ideal institutional design.⁷

5.1. Comparative Approach

Table 1 below provides a possible characterization of the comparative approach in terms of the feasibility restrictions that it makes sense to accommodate from the perspective of this approach. Of course, the comparative approach takes into account a broad set of feasibility restrictions. There are, however, restrictions whose accommodation likely is contested even

⁷ The approaches characterized here are broader versions of the approaches described in Sirsch 2020.

TABLE 1. Feasibility in the comparative approach

	Technical feasibility			Political Accessibility
	Effectiveness	Stability of Effective Outcomes	Political Stability	
Motivational	Locally Present Contingent	yes	yes	yes, but optimal threshold
	Contingent	yes, but less relevant	yes, but less relevant	no
Institutional/Natural	Locally Necessary	yes	yes	yes
	Necessary	yes	yes	yes
	Locally Present Contingent	yes	yes	yes
	Contingent	yes, but less relevant	yes, but less relevant	no
	Locally Necessary	yes	yes	yes
	Necessary	yes	yes	yes

within the comparative approach (see the cells in Table 1 that contain bold letters).

For institutional design in comparative theory, restrictions of accessibility are important. But the extent to which restrictions on accessibility should be accommodated is likely to be controversial. Since the comparative approach is supposed to focus on currently available solutions, it needs to accommodate locally contingent political accessibility restrictions. Because it does not develop solutions for other contexts, it does not need to check political accessibility under different circumstances. Restrictions on accessibility that might arise at a later point are irrelevant as well. Hence, only locally present contingent and necessary restrictions on political accessibility need to be taken into account.

Now, there are different ways in which political accessibility restrictions could be handled in the comparative approach. One could imagine a two-stage procedure where, first, political proposals are identified that are being considered as alternatives in the political realm, and, second, the effectiveness of these proposals is being compared. For example, to pass the first stage, proposals need to have some level of political support. If the threshold is set too strictly, however, the comparative approach could prove to be a frustrating experience for political philosophers, when only inadequate proposals are on the political agenda. Instead, a better strategy might be to base the assessment of accessibility on a theoretical evaluation of the likelihood that political agents could support a certain proposal because it would be in their objective interest to adopt this proposal. Of course, in contexts where political agents have no incentive to adopt proposals that would improve society in terms of justice, this strategy too might be problematic.

There is also a relevant difference with respect to restrictions on political accessibility that derive from motivational sources compared to those that derive from institutional or natural sources. As I argued above, in normative theory restrictions of a motivational sort are somewhat special, because the central purpose of normative theory is to provide us with reasons. If one takes the prejudices of a set of persons for granted and adjusts the reasons in order to fit these prejudices, practical political philosophy loses its purpose. By allowing all kinds of motivational restrictions in determining the accessible set of political proposals, the leeway for making any substantive contribution to political discourse could become really small. Therefore, political philosophers should be careful when taking motivational restrictions in political accessibility into account. Depending on how strictly these restrictions are allowed to determine the feasible set, the comparative approach is likely to recommend dramatically different political options.

Regarding technical feasibility, the case for accommodating constraints of feasibility becomes much stronger than in the case of political accessibility. Since the comparative approach ought to provide proposals for

specific contexts, restrictions that are present locally must be given special attention. Contrary to our results with respect to accessibility, however, contingent restrictions that might arise at a later point need to be taken into account, because institutional solutions should work effectively in the long run. Taking these into account, though, is less relevant than taking into account locally present restrictions. This is because our knowledge regarding restrictions that might be relevant in the future is more uncertain, and focusing on the present fits well with the aim of improving justice here and now.

5.2. *Ideal Institutional Design*

For the construction of ideal institutions, restrictions on political accessibility are especially problematic. In the context of the ideal guidance approach, it is the function of ideal institutions to provide an aspirational goal for long-term reform. If ideal institutions are sought that are independent of local contexts, restrictions that are present locally must not be given special weight in determining the political accessibility of ideal institutions. It is clear, however, that for ideal institutions the threshold for political accessibility must be less strict than in the comparative approach. I would even go so far as to claim that locally present contingent restrictions and contingent restrictions of political accessibility should play no role in the determination of ideal institutions. Ideal institutions should represent long-term aspirational goals, and the relevance of restrictions of accessibility is impossible to assess for the long term due to political windows of opportunity that randomly open as a result of unpredictable events (Sirsch 2020).

Should contingent restrictions of technical feasibility be accommodated in ideal institutional design? This is a difficult question that I cannot settle here.⁸ But an important reason for recognizing these kinds of restrictions is that ideal institutions should be stable and effective under all kinds of circumstances that might arise now and in the future, because ideal institutions ought to provide a long-term aspirational goal (Rawls 1999). This approach could, however, lead to institutional designs that are less ambitious than necessary: the realization of ideal institutions likely requires a “friendly” political and socioeconomic environment. Therefore, it can be expected that ideal institutions are implemented for the first time under rather positive conditions. Under these kinds of conditions and after ideal institutions have been implemented, the probability of the occurrence of some types of adverse events and the emergence of adverse conditions might be low.

For example, some ideal theorists might argue that we should not only aspire to change socioeconomic and political institutions, it is also possible

⁸ See Sirsch 2020 for a proposal.

TABLE 2. Feasibility in ideal institutional design

	Technical feasibility			Political Accessibility
	Effectiveness	Stability of Effective Outcomes	Political Stability	
Motivational	Locally Present Contingent	?	?	not restrictive /no
	Contingent	?	?	not restrictive /no
Institutional/Natural	Locally Necessary	yes	yes	yes
	Necessary	yes	yes	yes
	Locally Present Contingent	?	?	not restrictive /no
	Contingent	?	?	not restrictive /no
	Locally Necessary	yes	yes	yes
	Necessary	yes	yes	yes

to achieve far-reaching changes in the regularities of human behavior. For example, people could be much more public spirited than one can reasonably assume right now (Cohen 2009). If this were the case, we should perhaps build ideal institutions on the presumption that people are highly virtuous, because a society of virtuous people and institutions that are optimized for them would be optimal from the perspective of justice. Thus, one could question whether this issue can be decided on methodological grounds and must be settled empirically instead (is such far-reaching change possible?). Maybe different types of ideal institutional design are required for different theoretical or practical purposes, and these require a different degree of ambition or strictness of requirements with respect to the moral psychology of the citizens of an ideal society.

At this point I will leave the discussion as it is and present a preliminary characterization of ideal institutional design in Table 2. We see that there is a range of approaches that can be considered ideal theoretical that differ with respect to the stringency with which different types of feasibility restrictions are taken into account. As I argued above, regarding political accessibility there is much less reason to incorporate restrictions than for the comparative approach. For technical feasibility, however, it is clear that necessary restrictions need to be taken into account. Regarding contingent restrictions, different approaches to ideal institutional design are plausible that are more or less sensitive to empirical constraints that may arise at a later point.

6. Conclusion

Acknowledging that "ought implies feasible" does not settle the question whether restrictions of feasibility are relevant for normative theorizing. Instead, I have proposed to distinguish different kinds of practically relevant normative theory and different kinds of feasibility restrictions.

Through the lens of the framework presented here, we see that the difference among types of normative theory with regard to the adequate set of feasibility restrictions is rather one of degree. The question is not whether considerations of feasibility are relevant at all but rather how different kinds of normative theory with different purposes require a different approach to feasibility. Therefore, the dimensions of feasibility presented here can help us structure the discussion of feasibility in practical political philosophy.

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