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Realist Nonideal Theory:

The Intuition Critique, Reflective Equilibrium and the Role of Morality in Politics

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A. Introduction

A common complaint about contemporary political philosophy is the apparent ineffectuality these theories have on the real world. Ideal theorizing, which is the most prominent methodology present in contemporary political philosophy, seeks to provide a measure by which to judge existing political structures and to approximate a goal to which theorists should be working toward. These efforts are rendered useless when we are made aware of any flaws in our depiction of the ideal society. Either through ignorance or methodological sloppiness, we fail to make real progress toward justice. This paper is an attempt to lay the foundations for a methodology of political philosophy that avoids this form of impotency. By pulling concepts from two competing conceptions of political theorizing, a hybrid methodology called “realist nonideal theory” shows promise in avoiding the pitfalls of both camps while co-opting their most desirable traits.

This paper’s primary focus is to explain a major critique of the most popular morally concerned political methodology where in the end offering a promising alternative. In section 1, I explain Raymond Geuss’ intuition critique, alongside a critique leveled against John Rawls by nonideal theorist Charles W. Mills. I, then, in section 2, explain Rawls’ notion of reflective equilibrium. I define the limits and the internal dynamics of reflective equilibrium in order to later demonstrate the distinctions existing between current forms of political philosophy. Finally, in section 3, I explain the various forms of political philosophy and their problems using terms developed in section 2. In the end, I provide the foundations for realist nonideal theory; a form of political theory I believe avoids the intuition critique while also providing the morally concerned political theorist an option for shaping politics.

B. Section 1: “The Intuition Critique and the Status Quo”

a. Rawls

Justice as fairness changed the landscape of contemporary political philosophy. The novel introduction of the original position allowed moral and political philosophers to temporarily put aside the exigencies of our imperfect world and get at what we mean by “justice”. Rawls’ contribution is nothing short of transformative to the field.¹ But, despite the seminal role Rawls’ *A Theory of Justice*² has had on political philosophy, it has its flaws. The visibility of Rawls’ *justice as fairness* makes it the primary target of many theorists, especially those unsatisfied with the apparent ineffectuality of ideal theories in political philosophy. I will outline these critiques which I believe constitute a serious challenge to Rawls’ theory and his approach (ideal theorizing).

Nonideal theorists are, according to Rawls, the necessary theorists who will bring the world closer to *justice as fairness*. They are not necessarily committed to Rawls’ depiction of the ideally just society, rather, they take any ideally just society and provide prescriptions to reach this goal. They are primarily concerned with the current state of the real world; rather than dealing purely with the moral ideal, these theorists account for current injustices, limitations of governmental action and the degree to which the ideal could be realized in our world. With the introduction of these real world facts, nonideal theorists can develop prescriptions concerning which steps will bring the world into compliance with the demands of the ideal. Although this purely transitional view of nonideal theory limits the importance of real world facts on the ideal, not every nonideal theorist is content with this diminished role.

Some nonideal theorists, for example, argue that Rawls fails to address the role his framing of the problem of distributive justice as one between heads of households has on the

¹ I would be remiss if I did not mention the effect it has had on my own interest in political philosophy.

² Rawls, John. *A Theory of Justice*. Cambridge, Mass: Belknap Press of Harvard University Press, 1999. Print.

injustice perpetrated against women. And, his relegating of gender and racial identity as inadmissible behind the veil of ignorance has the effect of minimizing the relative importance of non-distributive forms of justice. But the most important nonideal critique, for our purposes, is one put forward by Mills.

b. Mills

Charles W. Mills, in his article "*Ideal Theory*" as *Ideology*³, offers a critique of ideal theory that centers around its use of idealizations. He provides two senses in which the term ideal is used. The first sense in which ideal is used is referred to as ideal-as-descriptive-model which is a model of how the world actually works. Of course, in order for a theory to get off the ground it must abstract away from some of the features present in the actual world. This descriptive model is attempting to capture how the world actually works and its essential nature. This first type of model is equated to the activity of nonideal theorizing. The second sense of ideal is referred to as *ideal-as-idealized-model* which is a model that serves as an exemplar. This model is how the world should work as opposed to simply describing how it does work.⁴ This type of model is what Mills is charging ideal theory of providing. Essentially, there is a model that provides a descriptive account of the world and another that provides a normative account.

Mills charges ideal theory with focusing only on the normative *ideal-as-idealized-model*. The problem with this misdirected focus, according to Mills, is that it provides little guidance in actually achieving the ideal. According to ideal theorists, the actual world is merely a deviation from the ideal. The best means of proceeding is by developing from the ideal world and making the actual world reflect it. But if the ideal is vastly different from the current state of affairs, questions concerning how to effectively move toward it could abound to the point where paralysis sets in.

³ Mills, Charles W. (Charles Wade). "'Ideal Theory' as Ideology." *Hypatia* 20.3 (2005): 165-84. Print.

⁴ *Ibid.*, pp. 166-7

Ideal theorists must also make various assumptions in order to develop their picture of the ideal world.⁵ What is most important is that it be made clear that the starting point for ideal theories are ideal conceptions of the world, not the actual world. These idealized concepts constitute blind spots for an ideal theory. If a theory takes, for instance, ideal social institutions as a given when constructing an account of justice, then the theory cannot properly speak of instances of discrimination within an institution. All that a theory of this nature can say is that it is morally wrong to discriminate. Furthermore, who defines these concepts? How is an ideal social institution structured? What are the ideal capacities of citizens? What is the preferred social ontology? All these questions are left unexamined. Since idealized concepts play a foundational role to ideal theories, then an ideal theory will implicitly endorse certain uncritical interpretations of these idealized concepts.

Mills argues that the utilization of idealized concepts is how ideal theory becomes ideology. These idealized assumptions are made with “no good reasons” and with “many reasons against” them. Mills states,

Ideal Theory, I would contend, is really an ideology, a distortional complex of ideas, values, norms, and beliefs that reflects the nonrepresentative interests and experiences of a small minority of the national population--middle-to-upper-class white males--who are hugely over-represented in the professional philosophical population.⁶

Mills’ main contention with the use of idealizations is that it perpetuates the ideology of the dominant group and, thus, perpetuates domination by that group. Ultimately, Rawls’ use of these idealizations has the effect of perpetuating injustice. Although the explicit intent of ideal theories may be to provide a means of reducing injustice, it may actually perpetuate it. This argument is

⁵ Mills lists and develops these at length; they include the following: an idealized social ontology, idealized capacities, silence on oppression, ideal social institutions, an idealized cognitive sphere, and strict compliance. We need not delve into each of these for our purposes.

⁶ *Ibid.*, p. 172

similar (but different in some key ways) to a political realist critique of John Rawls and his use of intuitions.

c. Geuss

Raymond Geuss is a political realist who provides, similar to Mills, a critique of Rawlsian ideal theory. Geuss, in his book Philosophy and Real Politics⁷, claims that the production and proliferation of a theory of politics is a political act, in itself. Political theorists are not merely developing ideas from an armchair which may be interesting or inspiring to some politically concerned individuals. They are engaging in politics: political theorists are political actors. Geuss argues that the primary target of political theorists are the currently held beliefs about politics in a given society. Rawls believes he is talking about such beliefs; he believes he is explaining what we mean by justice and what our intuitions surrounding this moral concept have to say about the proper political arrangement. Inescapably, the moral theorist, when politics is the focus, is dealing in ideology; they are dealing with our various beliefs and attitudes concerning politics. Geuss' definition of ideology,

An ideology, then, is a set of beliefs, attitudes, preferences that are distorted as a result of the operation of specific relations of power; the distortion will characteristically take the form of presenting these beliefs, desires, etc., as inherently connect with some universal interest, when in fact they are subservient to particular interests.⁸

A political act addresses the prevailing ideology in one of two ways. On one hand, a theory can either attack the prevailing ideology. It can provide critiques about wrongly held assumptions which the ideology contains and perpetuates. On the other, it can affirm the prevailing ideology. There are two ways affirmation occurs. First, a political act can directly approbate an ideology. By providing theoretical support to commonly held beliefs, a political philosophy can provide

⁷ Geuss, Raymond. *Philosophy and Real Politics*. N.p.: Princeton UP, 2008. Print.

⁸ *Ibid*, p. 52

further justification for an ideology and encourage its adoption. Second, a political act can obfuscate the fact that an ideology is present. By focusing the conversation on a topic that does not address ideology or its influence, a political act can endorse an ideology by distracting away from its existence.⁹ Geuss charges Rawls with the latter.

In particular, Geuss takes exception to the fact that Rawls does not address the effect of differential power on the formation of “our” intuitions. Differential power is expressed when a certain ideology holds a privileged position within a society. This privileged position, generally, has the effect of rendering its assumptions as factual, natural or self-evident. So, when Rawls does not address this fact when relying on “our” intuitions about justice, he is implicitly affirming the prevailing ideology. [This point parallels Mill’s ideology critique of Rawls.] “Rawls’s work was an attempt to reconcile Americans to an idealized version of their own social order at the end of the twentieth century”.¹⁰ I refer to this line of criticism as Geuss’ ‘intuition critique’. This critique can be broadened to any ideal theory that fails to properly account for ideological influences on one’s intuitions.

d. Contrast

What should be clear from these two critiques is the fact that serious concerns can be raised about the methodology of ideal theory. This section has illuminated a major problem within ideal theory and made clear how both the nonideal theorist and the political realist articulate the problem. This apparent overlap of critique may contribute to the mistaken belief that realism and nonideal theory are synonymous. This view is mistaken, but I see this apparent overlap as evidence of the intuitive appeal of a hybrid theory situated between the two. It would be a misunderstanding to assume that a realist nonideal theory rests upon this similarity in

⁹ *Ibid*, p. 53

¹⁰ *Ibid*, p. 89

critique; the motivation behind my development of this hybrid approach is not necessarily the same motivation a political theorist will have for adopting this approach.¹¹

The difference between these critiques rests upon why each theorist thinks Rawls fails. Mills, on one hand, is concerned with the perpetuation of injustice as the primary wrong committed by Rawls. Through his selection of idealizations, he perpetuates an ideology that serves to reinforce a set of privileges afforded to “bourgeois white males” operating in the highest echelons of professional philosophy.¹² On the other hand, Geuss is criticizing Rawls for providing a theory that does the opposite of which it is purportedly constructed to accomplish. Since Rawls starts with unexamined moral intuitions, Rawls is merely perpetuating the ideology that has shaped those intuitions. It may be noted that although Mills and Geuss appear to be critiquing Rawls on his ideological effects, they object to it for different reasons. Mills is objecting on moral grounds. Rawls’ contribution is morally wrong because of its role in perpetuating injustice. Geuss’ objection is rooted in Rawls’ misunderstanding of political philosophy. Political theorizing should be separate from moral theorizing. Geuss is a strong realist; this means he believes politics is a completely autonomous human activity which requires theorizing that is equally autonomous. Rawls is performing the role of reconciling American society to their already held beliefs rather than producing a theory of politics.¹³

C. Section 2: Reflective Equilibrium

¹¹ The point I am stressing here is that one need not agree with the belief that this is an actual overlap in critiques by Mills and Geuss in order to find a hybrid approach useful. For instance, a moralist political philosopher may find that the adoption and utilization of this hybrid approach justifiable based solely on their morality with no regard for any deeply held realists views. The hybrid theory may simply be more effective at realizing morally desirable ends in the political sphere, and, therefore, it should be adopted on those grounds.

¹² Mills, Charles W. (Charles Wade). ""Ideal Theory" as Ideology." p. 172

¹³ Geuss, Raymond. *Philosophy and Real Politics*. p. 89

Reflective equilibrium is the conclusion of a deliberative process wherein which as theoretical principles develop they are continually checked against standing “commitments”¹⁴. Rawls appeals to this form of reasoning while developing *justice as fairness*. Rawls described reflective equilibrium in the following manner,

People have considered judgments [about morality] at all levels of generality, from those about particular situations and institutions up through broad standards and first principles to formal abstract conditions on moral conceptions. One tries to see how people would fit their various convictions into one coherent scheme, each considered judgment whatever its level having a certain initial credibility. By dropping and revising some, by reformulating and expanding others, one supposes that a systematic organization can be found. Although in order to get started various judgments are viewed as firm enough to be taken provisionally as fixed points, there are no judgments on any level of generality that are in principle immune to revision.¹⁵

The conclusion of this process renders a theory that is consistent with our intuitions and judgments about a certain subject. But this process is not merely useful to moral theorists but rather all theorists. It is a feature of good reasoning; a theory that is consistent with what the theorist believes appears to be exactly what theorists strive to develop.¹⁶ It is because of this

¹⁴ Commitments can both be pre-deliberative stances and instantiated by a particular propositional judgment with a certain degree of “weight”. For instance, I can have a moral commitment to fair and equal treatment regardless of any substantive theory explaining exactly what I mean by this. On the other hand, my commitments can also be born out by propositional judgments which I would select for entry into RE. For example, “A society must treat citizens equally and fairly” or “No arbitrary characteristic should affect a citizen's access to opportunity”. These judgments can also be evaluative. “Society S does not treat all of their citizens fairly”; my commitment is then represented by this judgment and the degree of importance I assign to it. I demonstrate my commitment by granting greater “weight” to the judgment which will be used in the deliberative process.

¹⁵ Kelly, Thomas, and Sarah McGrath. "is Reflective Equilibrium enough?" *Philosophical Perspectives*, vol. 24, no. 1, 2010, pp. 325-359, doi:10.1111/j.1520-8583.2010.00195.x.

¹⁶ “Rawls, in contrast, presents and employs reflective equilibrium as his mode of justification without any explicit questioning of the theoretical status of this mode, and it seems that the problem of justification at this point in Rawls’s moral theory is perceived by himself as well as most of his readers and commentators to be fairly straightforwardly resolvable and unproblematic.” Eng, Svein. "Why Reflective Equilibrium? I: Reflexivity of Justification." *Ratio Juris*, vol. 27, no. 1, 2014, pp. 138-154, doi:10.1111/raju.12035.

broad appeal that I will appropriate the reflective equilibrium framework to discuss, in section 3, where the distinctions lie between various forms of political theory.¹⁷

I will provide a brief outline of reflective equilibrium as I will be using it throughout the rest of the paper. First, I will outline what goes into reflective equilibrium. Then, I will describe the internal dynamics of reflective equilibrium, and, finally, I will explain the outcome of the deliberative process. Although this framework is fairly abstract, I believe the clarity it provides in the proceeding section justifies its utilization.

What gets plugged in reflective equilibrium can vary. Intuitions, observations, pre-existing principles and even complete theories can be plugged into the deliberative process of reflective equilibrium.¹⁸ If reflective equilibrium is simply the way we reason, then it seems rather trite to say that we can plug anything into this deliberative process. The selection procedure for inputs is what is actually being debated among theorists; for instance, when developing a theory about politics, the judgement about whether a local football team will win the championship is unimportant; if a theorist decides to enter this irrelevant information, other theorist may judge them as incompetent or non-serious. The selection procedure decides what gets selected for entry into the deliberative process; and this means that the selection process is pre-theoretical and not determined by the eventual theory. It is how we as reasonable theorists select the relevant information and ignore the noise. The selection procedure not only determines which individual judgments are added to the deliberative process, it also determines the source from which these judgments come. A moral theorist will select judgments from a moral source;

¹⁷ I want to make clear that Rawls uses reflective equilibrium as both an explanatory and justificatory mechanism. It can explain how we come to well-developed principles, and it also provides justification for those principles (because those principles cohere with our commitments). In this paper, I am only concerned with the explanatory aspect of RE. I am interested in its ability to characterize the theorizing process; whether RE provides further justification for a realist nonideal theory is outside the scope of this paper.

¹⁸ I would like to make clear that these intuitions, observations, pre-existing principles, theories and judgements are correlated to a pre-deliberative commitment. We cannot plug commitments into the process rather we can plug in judgments, intuitions, etc., which are representative of a particular commitment.

an economist will select judgments from an economic source. This correlation between theory type and judgment source is not exclusionary; in fact, it would be pertinent for a moral theorist to pull from psychology, or an economist from advanced mathematics. And so on. The selection procedure determines which inputs are pertinent to the theorizing process. Throughout section 3, I will be referring to these various elements as “inputs”.

Different judgments will come with different levels of certainty and importance.¹⁹ When developing a theory concerning how one should act in traffic, the selected definition of “the good”, let’s say utilitarianism’s maximization of overall happiness principle, will have greater importance than, for instance, the agent offending someone. If it will maximize happiness for the agent to cut someone off in traffic, then the degree to which the person who was cut off is offended only matters if it reaches a threshold where the maximization principle is violated. In this example, we see the primacy of the judgment that “one should always act to maximize overall happiness”. This judgment is granted a certain degree of “weight” in the deliberative process. Imagine it this way: we plug the maximization principle into RE alongside the fact that certain actions produce unhappiness (i.e. cutting someone off in traffic). We assign an infinite amount of “weight” to the maximization principle and less weight to the fact concerning traffic etiquette.²⁰ Then, we see reflective equilibrium render us a theory concerning the limited realm of cutting someone off in traffic, which informs us to cut the person off in traffic unless a very special case occurs. [We, then, proceed to justifiably cut the person off in traffic!] The degree to

¹⁹ Kelly and McGrath refer to these inputs as ‘considered judgments’. They state, “considered judgments are judgments of which one is confident (as opposed to uncertain or hesitant), that are issued when one is able to concentrate without distraction on the question at hand (as opposed to when one is ‘upset or frightened’) and with respect to which one does not stand to gain or lose depending on how the question is answered. In addition, such judgments must be stable over time.” Kelly, Thomas, and Sarah McGrath. “Is Reflective Equilibrium enough?” p. 325-359

²⁰ It is important to note that the “infinite” weighting granted to the maximization principle in the traffic example is a special case. For the most part, there are very few, if any, inputs that will be granted an infinite weighting. Rawls would reject the maximization principle from entry into RE because it is not revisable. As opposed to the coherent justificatory structure envisioned by Rawls, the case of infinite weighting is a way to describe a foundationalist commitment. In the purely explanatory form of RE with which we are working, I believe this example is relatively uncontroversial.

which we are committed to our judgments determines the amount of weight we will grant the judgment while it is in the deliberative process of RE. So, in the remainder of the paper, the term “weight” will have this meaning.

The concept of “weight” is important when we consider the fact that the process of reflective equilibrium consists in the mutual adjustment of judgments and principles until a resting state is reached. The metaphor of “gravity” is helpful here. For instance, our moon exerts gravity on the Earth as it revolves around it. Although the Earth is much larger and a greater source of gravity, the moon’s gravity acts as a stabilizer for the Earth’s rotation. Both bodies exert some degree of gravity on one another; both have an effect on one another. Our bodies, on the other hand, exert gravity on the Earth to a dramatically lesser degree. We fall immediately to the surface and have little to no effect on the rotation of the Earth.

Regardless of the scientific accuracy of this example, the analogical point should be clear. There is a mutual pull judgments in reflective equilibrium will exert on one another. The judgments which are granted more weight will have a greater influence on those judgments with a lesser weight. A collection of inputted judgments where one is granted a much more significant weighting will force an adjustment to the other judgments. An adjustment to a judgment may force us to slightly amend it or destroy it. In evaluating Kepler’s geocentric model of the universe, Copernicus radically does away with the judgment that the Earth is the center of the universe. Kepler’s theory had grown cumbersome by needing to posit “equants” which save his view of planetary circular motion while maintaining an Earth-centered universe. Copernicus destroyed the need for the imaginary equants and offered a new theory that was able to save circular motion by positing a sun-centered universe. Clearly, in this case, Copernicus granted more weight to theoretical parsimony and circular motion as opposed to an Earth-centered model of the universe. The weight granted to a judgment prior to introduction to RE will dramatically impact the lesser weighted judgments as the deliberative process proceeds toward a state of reflective equilibrium.

For Rawls, justice is the primary moral intuition by which we should shape a theory about politics.²¹ He decides to plug our intuition about justice into reflective equilibrium alongside other inputs. Justice is a moral concept; in other words, the source of the intuition about justice exists outside of the deliberative process; whether justice be the product of a moral theory or a strongly held “feeling”, it comes to the deliberative process already with a degree of significance. His inputs to justice could be described in terms of granting “significant weight”. Alongside other commitments, Rawls begins the process of thinking through possible principles by which to describe the “ideally just society”. Since justice has a “significant weight” compared to other inputs, the other inputs will face more adjustment during the deliberative process. *Justice as fairness* is the end state of this deliberative process; once the process of mutual adjustment finishes, we have a finished theory.

So, to clarify, reflective equilibrium can be broken into three stages. First, we have the selection procedure which selects the various inputs for entry into the deliberative process. The commitment to individual judgments are reflected by the weight that is assigned to them prior to introduction. Second, we have the mutual adjustment of various judgments and principles. Judgments which have a more significant weight affect less significant judgments to a greater degree. These judgments also exert force on the tentative principles as they develop. Third, and finally, the deliberative process reaches a state of reflective equilibrium. At this point, a theory has been reached, where the developed principles are consistent with the adjusted judgments. This theory is now ready to make prescriptions relevant to the theorist’s commitments.

In the next section, I will use this framework to clarify the distinction between various types of political theory. For ideal theory, I will use this framework to re-explain the intuition critique. I will, then, offer a type of theory that I believe escapes the intuition critique.

²¹Rawls, John. *A Theory of Justice*. p. 4

Throughout that section, I will attempt to use both concrete examples as well as the language of reflective equilibrium.

D. Section 3: Explaining Theoretical Approaches and Outcomes

a. Ideal Theory

[Moral Judgments] → {RE} → **Ideal Theory**

Ideal theory seeks to clarify our depiction of the “ideally just society”. By providing the desirable end-state, political philosophy can begin the hard work of achieving this morally ideal state of affairs. Rawls is not the only ideal theorist. Nozick proposes an ideal political arrangement which consists in what he calls “the minimal state”.²² This nightwatchman depiction of the ideal state limits government to a mere protector of the rights of citizens. Taxation, the forcible collection of citizens’ capital, is only justified for these ends. Nussbaum proposes an ideal society where certain human capacities are allowed to flourish.²³ Instead of providing particular proscriptions on governmental behavior, Nussbaum identifies key human capacities which should be fostered and protected by the government. All ideal theoretic approaches identify moral ideals and then seek to realize those ideals in the real world. The actual steps toward the ideal is relegated to another type of theory, to nonideal theory.

Rawls: [Minimax/Fully Rational, Impartial/Veil of Ignorance, Distribution of Resources/Justice, etc.] → {RE} → **Justice as Fairness**

²²Nozick, Robert. *Anarchy, State, and Utopia*. Basic Books, New York, 1974.

²³Nussbaum, Martha C., 1947. *Sex & Social Justice*. Oxford University Press, New York, 1999. p. 41.

This diagram shows that as a result of the inputs of the moral judgments selected by Rawls for introduction to RE, *justice as fairness* is produced. This is a rather trivial claim considering that Rawls claims this himself.²⁴ It is a result of RE that Rawls comes to *justice as fairness*. But a problem often leveled against Rawls (and other ideal theorists) is that the theory produced is not political rather moral. The product of this deliberative process has provided us a clarification on what our moral intuitions say about justice rather than a directly actionable political theory. The Rawlsian response to this charge often takes the form of claiming that the critic is misunderstanding Rawls' intent. His aim is to provide a picture of the ideally just society so we can begin to work toward it. It is the moral ideal which we must make the real world reflect. The framework of reflective equilibrium also clarifies the intuition critique.

- Reflective Equilibrium and the Intuition Critique

Now, I will explain the intuition critique [discussed at length in section 1] in these new terms. Ideal theory seeks to clarify our moral intuitions and provide a picture of the ideally just society. The critique is effectively 'Ideal theory maintains the status quo and, therefore, should be rejected.' But what does this mean in the context of inputs and reflective equilibrium?

The realist critique, as discussed in section 1, broadly charges Rawls with two things. First, his use of moral intuitions in developing a theory about politics is flawed. Second, the major flaw is that the propagation of this theory has the effect of maintaining the 'status quo'. So, I will address each part of the critique as 'the use of intuitions' and 'the maintenance of the status quo', respectively. It is in the first stage of the process of reflective equilibrium, the selection and introduction of initial judgments, where the intuition critique is most charitably attacking the use

²⁴Rawls, John. *A Theory of Justice*. p. 18

of moral intuitions. The charge of status quo maintenance is aimed at the finished product; the result of the mutual adjustment judgments and principles, which is *justice as fairness*.

The use of intuitions is not necessarily a problem. The intuition critique charges Rawls with blindly using inputs found only within the pre-theoretical pool of morality. Since Geuss is a critical theorist, there is no escaping the role success in politics has on our intuitions. This is often bluntly stated, “morality is dead politics.” I will grant this point to Geuss.²⁵ Past political success by one group, for instance Enlightenment-era European men, has the effect of ingraining into the mind of the populace the “naturalness” of rights, the necessity of property and the primacy of the problem of distributive justice. The values and concerns of the politically successful group has the effect of rendering “natural” certain intuitions present in the minds of the populace. In this way, moral values are products of past political success, or “dead politics”.

For the critic, Rawls has mistaken his intuitions about justice as free of ideological influence. Rawls mistakenly believes the veil of ignorance and the original position have allowed him to step outside of the influence that past political domination has had on the ‘naturalness’ of our moral intuitions and the way we reason about morality. Furthermore, since Rawls believes himself ideologically pure, his proliferation of this theory about justice, to him, only appears as stating a moral truth we all intuitively accept. Rawls, also, is blind to the fact that the very proliferation of a theory about justice is a political act, in itself. The theory which presents itself free of ideological impurities has the effect of affirming the prevailing ideology. This is accomplished by merely distracting away from the ideology’s role in shaping our intuitions and beliefs. For Geuss, this is where the maintenance of the status quo occurs. The use of moral intuitions without a recognition of how these intuitions are often formed is the primary flaw of

²⁵ For the purposes of this paper, I take the position that all moral disputes about politics are ideological. In the end, when I offer RNT as a viable alternative it is implicitly accepting that one’s morality as correlative to one’s ideological stance. In the end, a substantive RNT (one where a theorist inserts their own morality) is an ideological stance which is attempting to influence society in favor of the theorist’s ideology. A moralist political philosophy, which includes RNT, is an ideological tool.

Rawls' methodology.²⁶ His selection procedure includes, to his detriment, intuitions which are ideologically tainted.

The maintenance of the status quo critique, which is found in Mills, is more generally a charge of blindness to other forms of injustice. This blindness has the effect of establishing the primacy of economic injustice and subverting the demands to address non-economic forms of injustice (e.g. gender injustice and racial injustice). "Rawls' methodological decision to focus on "ideal theory" and a "well-ordered society" has been little help in addressing the problems of our non-ideal, ill-ordered, patriarchal and racist societies."²⁷ These other forms of injustice are mere deviations whereas economic injustice is the actual problem. The fact that economic injustice is primary to Rawls is a feature of his working in the Western tradition of political theorizing wherein the theorists are almost exclusively European men.²⁸ Rawls idealizes away from certain features of society, which are far from just, in order to describe the primary problem (distributive justice); in effect, Rawls' ideal theory is now operating as ideology. Ideal theory is serving the status quo. Again, we see the use of bad idealizations in the theorizing process as a primary flaw in Rawls' theorizing. The (more radical) nonideal theorist is leveling a critique parallel to the realist critique of the use of intuitions. Both the realist and the nonideal theorist are addressing the inputs Rawls has selected for introduction to reflective equilibrium. The selection procedure used by Rawls is faulty.

²⁶ As far as moral intuitions are concerned, I do not think that we necessarily need to rid them from our theorizing about politics to avoid the intuition critique. If one were to simply accept that all of our moral intuitions are ideologically tainted, we can still select the most preferable among these intuitions. This move frames all moralist political philosophy as a form of ideological propaganda. If this option is selected, Rawls simply provides a bad version of propaganda; unaware of his role in this ideological debate, Rawls provides a counterproductive piece of propaganda by intending to provide a roadmap to the ideally just society he mistakenly moves us further away from the ideal.

²⁷ Pateman, Carole, and Mills, Charles W. (Charles Wade). *Contract and Domination*. Polity, Cambridge, 2007. p. 5.

²⁸ Mills, Charles W. "Rawls on Race/Race in Rawls." *The Southern Journal of Philosophy* 47.S1 (2009): 161-84. p. 175. Print.

b. Nonideal Theory

[*Moral Judgments + Real World Facts*] → {RE} → **Nonideal Theory**

Nonideal theory is, in its original formulation, and is commonly believed to be, an appendage of ideal theory. The goal of nonideal theory is to bring the real world closer to the ideal. In particular, this means making broad theoretical claims into prescriptions applicable to particular situations. There is a balancing of the demands of morality with the inherently limited situation of the real world. This process is imperfect. There needs to be a theorist who does the hard work of identifying limitations the real world imposes on the attainment of the ideal. At that point, the nonideal theorist can begin to develop a theory that prescribes steps toward the ideal. This purely transitional view of nonideal theory will be the primary subject of this section. But nonideal theory is not limited to this purely transitional role. For instance, Mills (along with Pateman) offers a view of nonideal theory where the starting point of theorizing consists in recognizing the initial unjust state of affairs that have led to our current state of injustice; in essence, they offer a nonideal theory that starts from the nonideal world. Pateman and Mills, in their book Contract and Domination²⁹, describe past societies as being founded on an implicit agreement among the dominant group to subvert the status of both women (Pateman's *the sexual contract*) and racial minorities (Mills' *the racial contract*). This initial agreement should be the starting point from which any theory concerning justice should start, not our moral ideal.

Simmons: [*justice as fairness* + Partial Compliance judgments] → {RE} → **Transitional
Nonideal Theory**

²⁹ Pateman, Carole, and Mills, Charles W. (Charles Wade). *Contract and Domination*.

Simmons view of nonideal theory (nonideal theory-as-transitional) is described in his article “Ideal and Nonideal Theory”³⁰. In the article, he provides a clarification on what, he believes, Rawls is referring to when talking about nonideal theory. Nonideal theory, first, takes as its primary measure of injustice an ideal theory; in this case, obviously, the ideal theory of choice is Rawls’ *justice as fairness*. We measure a society based upon its conformity (or nonconformity) to the principles of justice. If a theory is in full conformity to the principles of justice, we can say that this theory is in a state of “full compliance” with *justice as fairness*; or, in other words, we can say that the basic structure of this society is just. If a society fails to be in conformity with the principles of justice, the society is in some form of “partial compliance”; nonideal theory’s purview is the realm of societies in a state of partial compliance.³¹ Partial compliance can be either deliberate or “unfortunate”; the first is intentional action by the state which prevents compliance, and the second is the inability of a society to achieve compliance due to historical, natural or economic factors. Simmons proceeds to divide the application of justice as fairness to various levels of society such as the basic structure, individuals and nations. For instance, noncompliance with the principles of justice could be deliberate: Simmons provides the example of institutional injustice. It could also be unfortunate, for example the society being extremely poor. We need not discuss these in further detail, but the point should be clear. Nonideal theory uses an ideal theory as a measure by which to assess the presence (or lack thereof) of justice and as a goal to which the real world should move toward.

In our treatment of nonideal theory, we see that the inputs into reflective equilibrium are moral judgments and real world facts. For Simmons, nonideal theory is transitional. This means that any nonideal theorizing occurs after an ideal is conceptualized. This is captured by the diagram showing that Simmons would plug *justice as fairness* in its entirety into reflective

³⁰ Simmons, A. J. "Ideal and Nonideal Theory." *Philosophy & Public Affairs* 38.1 (2010): 5-36. *ProQuest*. Web. 26 Nov. 2015.

³¹ In fact, Rawls uses “nonideal theory” interchangeably with “partial compliance theory”. Rawls, John. *A Theory of Justice*. p. 109

equilibrium alongside real world facts. [Justice as fairness is the product of a reflective equilibrium process; so, if it alone were to be plugged back into reflective equilibrium, there would be no adjustments. It is a finished product.] The addition of real world facts, which I have limited to simple partial compliance judgments, impacts our transitional nonideal theorist's theorizing process. Based upon the features of this lack of compliance, the nonideal theorist would eventually reach a state of reflective equilibrium where prescriptions can be deduced. These prescriptions, which are tailored to the real world facts, would move the society in question closer toward the ideal. Now, we need not spend too much time fielding arguments as to the nature of the progression toward the ideal. For our purposes, the primary point is clear. Nonideal theory, in this common form, is the product of an ideal theory and real world facts which are plugged into reflective equilibrium and eventually settle into a state of reflective equilibrium. [It must be noted that this is merely a description of nonideal theorizing not a claim about what a nonideal theorist might claim they are doing.]

- The Big Problem for Nonideal Theory

The general problem with this form of nonideal theory is that it is rooted in ideal theory. In other words, since nonideal theory requires an ideal theory, which can be plugged into reflective equilibrium, the problems inherent in the ideal theory of choice are carried along with it. In Simmons' case, we find that the problems of Rawlsian *justice as fairness* are Simmons' problems as well. This could explain why rehabilitating *justice as fairness* takes on a Sisyphean quality; the typical approach is simply to incorporate more real world facts alongside the already tainted theory. This intractability, in terms of reflective equilibrium, occurs due to the significant weighting of *justice as fairness* compared to the real world facts which are added to the already

stable system.³² But clearly due to nature of the intuition critique, no amount of additional real world facts will allow nonideal theory to escape that specific problem with ideal theory.

- Nonideal Theory vs. Realism

Before broaching the topic of realist theory, the use of a reflective equilibrium framework for discussing theoretical approaches provides a clarification of the distinction between nonideal theory and realism. Simply, the difference lies in the commitments which are considered and allowed to impact the theorizing process; in other words, where the nonideal theorist plugs in moral judgments alongside real world facts, the realist plugs in realist judgments (i.e. whose interests receive priority? or what are the legitimate forms of violence afforded to the political order?) alongside real world facts. A common misconception about the relationship between nonideal theory and realism is that they are essentially one and in the same; realism constitutes the most extreme version of the nonideal theorist's demand for the incorporation of more real world facts.³³ The view that realism sits on the spectrum of ideal and nonideal theory now appears to be obviously false. Despite the apparent correlation between the increase in the use of real world facts, the difference between ideal/nonideal theory and realist theory is the use of moral and realist commitments, respectively. These are two different conceptions of politics. In our language, the theorizing process draws from different commitment pools. The very nature of politics and political theorizing are perceived differently. Matt Sleat, a political realist, directly responds to this wrongheaded conflation,

Realism is often presented as a variation of a non-ideal theme. This conflation is a mistake. Whereas the ideal/non-ideal theory debate consists of a series of methodological

³² If we were to, for instance, increase the weight of our real world facts to the point where they are weighted significantly more than *justice as fairness*, we would no longer be doing transitional nonideal theory.

³³ Valentini makes this mistake. Valentini, Laura. "Ideal Vs. Non-ideal Theory: A Conceptual Map." *Philosophy Compass* 7.9 (2012): 654-64. Print.

issues that take place squarely within the liberal framework, and hence retains many (if not all) of its assumptions regarding the purpose of politics and the ambitions of political theory, realism is a competing theory of politics in its own right that presents a radical challenge to those liberal assumptions.³⁴

I believe this difference in conception need not render insights from these approaches *de facto* incommensurable. The approach that I will later propose respects the difference between “liberal political philosophy” and realism which Sleat is highlighting. A combination of realism and nonideal theory can avoid the intuition critique which is aimed at ideal theory while also incorporating morality. This idea will be addressed in-depth later.

c. Strong Realism

[*Realist Judgments + Real World Facts*] → {RE} → **Realist Theory**

Strong realists, and to a lesser degree all realists, see politics as an autonomous realm of human activity. People’s interests will inevitably conflict with the interests of others. For Hobbes, the state of where everyone is at war with everyone else is the natural condition of mankind; Hobbes, as well as many political and moral theorists, refer to this as “the state of nature”. The various desires and goals of individuals, if pursued unchecked by a political order, would render the world a violent hellscape akin to AMC’s *The Walking Dead*. Hobbes suggests this is what grants the “sovereign” their right to rule over their subjects and their permission to use violence. Other theorists see the possibility of this horrific state of affairs as the impetus behind individuals rationally choosing to subvert some of their interests in favor of living free of this possibility; by

³⁴Sleat, Matt. "Realism, Liberalism and Non-Ideal Theory Or, are there Two Ways to do Realistic Political Theory?: Realism, Liberalism and Non-Ideal Theory." *Political Studies* (2014): n/a. p. 1. Print.

entering into a contract with others, the self-interest of all contractees is furthered. For the most part, to think that politics is founded on this implicit “contract” between all members of a society is to be a “contractualist”³⁵. A political realist does not need to accept this proposition, but the preceding discussion does highlight a key feature of realism, the prevalence of conflict and its relationship to politics. What differentiates realism from other conceptions of politics is the role of conflict. Where ideal theorists see conflict as an ill to be cured by the attainment of the ideally just political arrangement, the realist sees conflict as the eternal basis for politics; politics without conflict is not politics at all rather an ethical utopia.

Strong realism is the view that politics should be investigated and theorized about in such a way that grants politics the fullest autonomy from other human activities. In the case of conflict, a political order’s primary goal is to maintain conditions of cooperation which prevent conflicting interest from becoming too violent. But a political order is not a group of individuals who merely dominate their subjects; in order for a political order to be “political”, it must do so legitimately.³⁶ Political realism’s primary focus is “legitimate” domination; since without legitimacy, politics would be nonexistent. This focus on the notion of legitimacy in political theorising is contrasted against the ideal and nonideal theorist’s concern with “justice” (or other moral concerns). Political philosophy, then, should pay close attention to the unique qualities and nature of politics rather than attempting to assume moral theory is at the root of political theorizing. The chief example of strong realism is Raymond Geuss.

Geuss: [*Who Whom?, Priority, and Legitimation*] → {RE} → **Geussian Realist Theory**

³⁵ Contractualism is distinct from Contractarianism which is a moral view that makes the claim that politics should be organized around the idea of an impartial contract between rational individuals. Actual or counterfactual assent to the domination grants legitimacy to the political order.

³⁶Sleat, Matt. "Legitimacy in Realist Thought: Between Moralism and Realpolitik." *Political Theory*, vol. 42, no. 3, 2014, pp. 314-337, doi:10.1177/0090591714522250.

It is important to note that realism is heavily contextual. The general principles derived by ideal theorists are nothing like the conclusions of a realist. ‘We must look to the real world first!’ when describing politics. Political realism, or “the realist approach to political philosophy” as Geuss refers to it, can be summed up by asking three questions about a given society’s political order. First, “Who Whom?” is a question Geuss derives from Vladimir Lenin. The question, after Geuss makes two adjustments, develops into “Who could do what to whom for whose benefit?”. This is essentially a question of who has the power to force another to act. The second derives from Nietzsche’s discussion on human finitude and the structure of human valuation as differential. “Politics as we know it is a matter of differential choice: opting for A rather than B.” This question can be summed up as “Which option do we choose, whose preferences will be respected and when will this choice be implemented?” And, the third is derived from Max Weber. “Weber’s idea...[was] that there was generalised human order that claimed and had some kind of legitimacy, and part of that legitimacy was, in one or another of a variety of complex and indirect ways, transmitted down to the acts of violence that were perpetrated as a normal part of social interaction.” This point is complex, but it can be summarized as follows: In any given society, there are various values and beliefs that grant permission for violence (or force) to be used in certain instances. These values and beliefs can be thought of as a “legitimatory mechanism”. This question can be articulated as, “What are the legitimatory mechanisms in the given society?”. These three questions constitute what Geuss calls “a realist approach to political philosophy”.³⁷ The question still remains “what exactly are we plugging in to reflective equilibrium?” The Geussian approach consists of answering questions about the political arrangement of a society, and the answers to those questions are what we are plugging into reflective equilibrium. The synthesis of realist concepts with the real world facts highlights the contextuality of this approach to political philosophy.

³⁷ Geuss, Raymond. *Philosophy and Real Politics*.

- “But what about our moral concerns?”

The problem with this theory is paradoxically one of morality. It must be clearly stated that a realist like Geuss would dismiss this problem out of hand. The question is ideologically motivated as opposed to voicing a serious theoretical concern with realism. Morality is a feature of agents within a political society, but it does not have sway over the fundamental nature of politics. There are numerous critiques against such a hardline position, but I am not interested in those. The critique here is simply a dissatisfaction with the complete separation of moral theory and political philosophy; this is a sentiment I share. The extreme nature of Geuss’ approach provides an excellent contrast to the approach I will be taking in the following section.

d. Weak Realism and Realist Nonideal Theory

[Realist Judgments + Moral Judgments + Real World Facts] → {RE} → **Weak Realist Theory**

Weak Realism is not a novel approach to political philosophy; it is not unique to attempt to blend concerns about legitimate political behavior with moral ideals. It has appeared throughout history in various forms. Characteristically, realism has been a critique of Platonic and utopian approaches to political philosophy; realism reigns in political philosophy when political theorists go beyond their purview. The production of a weak realist political theory is nothing more than an attempt to say “at the very least, politics is somewhat unique, somewhat autonomous and morality has some say in politics”. The chief defender of this approach, in the most recent iteration of this debate, is Bernard Williams. As opposed to Geuss, weak realists concede the force of the question posed to strong realism, “what about our moral concerns?” In

particular, what about are politically focused moral intuitions? Is Justice not important? Do Fairness and Equality have no sway on the way we theorize? Are we merely ideologues when we push for a more open and just society?

Realist nonideal theory is a version of weak realism. The impetus behind providing realist nonideal theory is a moral one. I hope that this iteration of weak realism will contribute to the reduction of injustice. The impetus toward the reduction of injustice would be unsubstantiated in a strong realist framework; in fact, the very notion of injustice would be nonexistence therein. Although a substantive account of realist nonideal theory is, as of yet, not fully articulable, I believe the general characterization of what this theory is attempting to accomplish can be demonstrated using the mechanism of reflective equilibrium. Essentially, realist nonideal theory will consist of inputting realist and moral judgments along with real world facts into reflective equilibrium. The state of reflective equilibrium that is reached will be our realist nonideal theory. But, admittedly, this is a project in its infancy. What I will do, however, is begin to show the type of judgments a realist nonideal theory would utilize and how an approach of this nature avoids the problems found in the other types of theorizing.

It must also be noted that RNT is a theory similar to other forms of realism that requires contextualization. For example, if a society's political order has a broader range of legitimate use of force, the forced integration of two groups could be recommended; if the political order lacks this broader permission, then forced integration would lack theoretical justification and be proscribed. Real world facts are of paramount importance, since political theorizing is a non-generalizable activity: the theory developed for one society would be different than that developed for another. The broad generalizations found in ideal theory are a feature carried over from moral theorizing which seeks to provide rules applicable to everyone; politics is not consistent from one society to the next.

RNT would provide prescriptions to morally concerned political agents. Since both moral and political judgments are being utilized in the theoretical process, the type of prescriptions

produced would be, for example, of the nature of balancing between justice and legitimacy. For instance, the principle I will call “the rule of maintaining legitimacy” states, “In society S, a moral agent who is concerned with reducing injustice in an institution must avoid actions which undermine the legitimacy of S’s political order.” This principle proscribes any justice-seeking activity that threatens the legitimacy of the political order. But this principle appears to be instructing morally concerned political agents to accept the status quo in fear of undermining its legitimacy. This principle taken by itself may in fact require that; so we will add an additional judgment. Let’s call it “measurement of legitimacy”, “A society’s political order O is legitimate as long as injustice is not present.” This principle makes a bold claim that a society is not legitimate if there is currently injustice present. This is a strong claim; this principle by itself would render legitimate political domination a rarity, if not an outright impossibility. We can amend this with a further definition of legitimacy, “Legitimacy of a society’s political order is a question of degree; a political order is legitimate as long as it is within an acceptable range of unjust outcomes for some classes of citizens within the society.” If we define legitimacy as a range of acceptable injustice, the conversation shifts from whether a political order is outright legitimate to “what outcomes are judged as ‘unjust?’”, “what constitutes ‘acceptability’ when it comes to unjust outcomes?” and “what ‘classes of citizens’ should face these unjust outcomes, and how are these ‘classes’ determined?”. These questions along with many others open the door for a morally concerned theorist to insert their own moral definitions. We would proceed to select additional judgments of a similar nature until we are satisfied; if after a round of adjustment our principles are inconsistent with our commitments, we scrap the problematic ones, add new ones or attempt to further amend them until we reach a state of reflective equilibrium.

The example principles offered above need not constitute the eventual principles which are settled on in a state of reflective equilibrium, but the nature of the principles highlight where there is a blending of moral and realist judgments. Concerns about justice and legitimacy are tied together in order to render principles which respect realist concerns for a stable, well-ordered and

legitimate political order while also respecting the desire to shape politics in accordance with moral concerns about just treatment of citizens. A full development and defense of RNT will not be attempted in this shorter format, but I will show how, at the very least, RNT avoids the intuition critique which plagues ideal and nonideal theorists as well as allowing morality to have a say in politics.

- How do the moral and realist judgments interact during the deliberative process for RNT?

Before showing how RNT avoids the intuition critique, the selection procedure at play must be clarified. Weak Realism, generally, selects judgments from morality, realism and real world facts to input into reflective equilibrium. Realist judgments (as well as moral judgments) are empty and meaningless until real world facts are considered. For example, questions concerning the legitimacy of a society's political order requires direct observation of the governed populace and the behavior of their governing body; claims of unjust behavior require observations of the real world regardless of how "justice" is defined. Since realism is contextual, real world facts provide the context by which realist commitments gain substantiality as realist judgments; otherwise, we have empty references to unspecified realist commitments. So, now we are left with moral judgments and the contextualized realist judgments, which are equally weighted.

"Equal weighting" is only meant to prevent situations wherein which moral inputs (as a whole) are weighted higher than realist inputs (as a whole); here, we are looking to prevent the weighting one may assign to a source of an input rather than the inputs on an individual basis. The tying of weight between commitments of different ilks (specifically, moral and realist commitments) is the fundamental contribution of RNT. It is not simply the collective dumping of moral and realist judgments into reflective equilibrium and seeing what comes out the other end. It is the introduction of singular judgments which consist of both moral and realist counterparts. We are tying moral and realist concerns together in order to produce a new type of political

theory. So, for further clarification, RNT grants equal weight and attention to moral and realist commitments and then enters their correlated inputs as a single input into the deliberative process.³⁸ These hybrid judgments are not the same as purely moral or realist judgments and do not operate in the same manner. This leads us to the essential question, “how does RNT avoid the intuition critique?”.

RNT avoids the intuition critique is by limiting the influence of these moral intuitions. One could bite the bullet and say “of course, all moralizing in political theory is ideological”. But this is a descriptive fact. We could grant this fact about what is occurring when moralizing about politics and still see value in bringing our morality to political theorizing. If this move is taken, all political theorizing which incorporates morality is ideological to a certain degree. RNT, I argue, is less ideological than other approaches due to its selection procedure.

First, recall that Rawls is subject to the critique because he relied on moral intuitions; these intuitions were influenced by the prevailing ideology. Through the process of mutual adjustment, these tainted intuitions have the effect of influencing other inputs to the point where it is unclear exactly to what extent the ideology has permeated the resultant theory. Thus, the proliferation of this theory has the effect of promoting the prevailing ideology; in the end, promoting an ideology that is counterproductive to the goal of promoting justice. If a theory were to limit the role of intuitions (from the status of a singular input to the role of part of an input), the theory would be less ideological. For example, say we were to incorporate an ideologically tainted intuition into an RNT judgment. A concern is raised about the ideological influence on that intuition. In order to ameliorate this problem, we need only to get rid of the tainted judgment. Conversely, for a Rawlsian to remove the intuition of justice from the deliberative process, is to fundamentally undermine the Rawlsian project. I argue that RNT is more revisable in the face of

³⁸ Since this characterization of RNT is still fairly abstract, the selection procedure will not limit which counterparts will be selected by a theorist beyond the mere selecting and combining of a moral and realist input.

undesirable ideological influence because the influence of moral intuitions is more limited than other approaches.

Let us further discuss RNT's "coupling" procedure. RNT selects for introduction into RE a moral pre-input and a realist pre-input.³⁹ The moral component can be an intuition, for example, about "equality". We hold an amorphous understanding about what we mean by "equality", but we are fully capable of identifying instances where equality is lacking. We need not have a fully developed definition or theoretical framework in order to account for this intuition. The full scope of inputs produced by the morality commitment pool is not reducible to intuitions, but, in our case in particular, we are specifically concerned with the incorporation of moral intuitions. The realist component can be a range of different judgments. For instance, concerns about legitimacy require real world facts in order for these judgments to be meaningful. Legitimacy, for many realists, is an empirical question; "What are the legitimization beliefs present in the society?", "What is an acceptable deviation in the behavior of a society's political order from that society's legitimization beliefs?", "Is the political order of the society acting in accordance with those legitimization beliefs?", etc. These two components are combined as a single input with its own unique weighting. Since this is an input which merely contains an intuition as opposed to being an intuition, the intuition which is contained within the couplet has a different role in the deliberative process.

Whereas Rawls' use of moral intuitions allow intuitions as singular inputs to influence directly the principles which develop throughout the deliberative process, RNT limits moral intuitions to a definitional role. RNT's couplet judgments are defined by both the moral intuition and the realist judgment. Let us recall one of the example principles of RNT, "In society S, a moral agent who is concerned with reducing injustice in an institution must avoid actions which undermine the legitimacy of S's political order." Here "justice", or rather "injustice", is the moral

³⁹ A "pre-input" is merely a candidate for RNT's selection procedure. As opposed to inputs, these pre-inputs are members of a single input entered into RE after their coupling with another pre-input.

intuition at play. “What does justice or injustice mean?” If an ideologically tainted moral intuition is unknowingly selected, then we would revise the judgments wherein which that intuition is found. In this case, we are able to identify the problematic inputs and revise our judgments accordingly. Undesirable ideological influences will depend on the moral commitment of the theorist. So, essentially, the RNT couplet does not use intuitions as singular inputs rather as defining features of a judgement. This diminished status prevents the selected moral intuitions from ideologically tainting our final theory to the degree found in ideal theory.

Although “coupling” saves RNT from the intuition critique, a further question arises, “Why doesn’t the use of ideologically tainted moral intuitions as members of RNT’s couplets promote injustice?” This is a fair question. The Millsian ideology critique still looms large; we could still be promoting an unjust ideology. But this is a problem with the pre-deliberative moral intuitions not the selection procedure of RNT; by this, I mean to shift responsibility to a reasonable, morally-concerned theorist. It is upon the theorist who will select, according to their best judgment, which moral intuitions are safe to use.⁴⁰ This debate is situated in moral theory rather than political theory. RNT focuses only on selecting, conjoining and entering into RE moral and realist judgments. The discerning theorist must make the important determinations when it comes to which moral ends a fully substantiated RNT will seek to achieve.

Another question, “Why can’t other theories simply borrow this selection procedure in order to reap the apparent benefits of RNT?” The reason this is not a viable option is due to a previous claim made in this paper. Political theorists are merely disputing over different selection procedures. If this is true, which I believe to be non controversial, then for an ideal theorist or a nonideal theorist to adopt a similar selection procedure to that of RNT would be a shift in theoretical approach. An ideal theorist would be doing realist nonideal theory rather than ideal theory. A nonideal theorist would be doing realist nonideal theory instead of nonideal theory. If

⁴⁰ The fact that RNT is more revisable is another plus if a situation were to arise when a previously “safe” intuition becomes “unacceptable”.

the selection procedure of RNT were to be adopted by any morally concerned political theorist, which I recommend, they would be doing realist nonideal theory.

In ordinary language, using moral intuitions runs the risk of utilizing ideologically tainted intuitions; Rawls' intuitions are victims of this negative influence. Due to the fact that he relies on these intuitions, *justice as fairness* is ideologically tainted. Realist nonideal theory combines moral and realist judgments. Moral intuitions are included when developing a RNT, but these moral intuitions are relegated to a definitional role as opposed to being granted the ability to directly shape principles. The influence of these moral intuitions is lessened and more revisable in light of a discovery of unacceptable ideological influence. Whenever "justice" is discussed within RNT, it is coupled with a realist concept (e.g. legitimacy); a moral intuition does not have an existence separate from a realist concept within RNT. In the same way, we cannot talk about "legitimacy" without stipulating the demands of "justice"; they are inextricably linked as a feature of RNT's selection procedure. The judgments (which are entered into RE), principles (which are a result of an adjustment period within RE) and the prescriptions of the completed theory all have a bipartite existence; they always will make reference to both realist and moral concepts, concerns and interests.

- "Why a realist nonideal theory?"

Let us shift the language away from reflective equilibrium into ordinary language. Realist nonideal theory is a theoretical approach which attempts to tie realist and moral concepts together. The fundamental appeal of this approach rests upon the apparent relationship between realists' demands for legitimacy and stability of a society's political order, and nonideal theorists' desire to reduce injustice. When a societal institution is behaving unjustly, it can often be condemned on realist grounds as instability causing or violating the conditions of cooperation. There appears to be a causal relationship between events realist would characterize as violating the normative requirements of a political order and events nonideal theorists would describe as

unjust. This overlap is the impetus for pursuing a theoretical framework where insights from both groups can be incorporated and utilized. This approach is more effective than standard approaches, and, most importantly, is real-world focused, and allows morality to have a say in politics. Nonideal theorists, who find standard approaches unacceptable, have an alternative theoretical approach available.

E. Conclusion

In conclusion, I explained the intuition critique that Geuss levels against Rawlsian ideal theory. The use of moral intuitions in the theorizing process smuggles in ideological influences. I define reflective equilibrium; the approach Rawls uses in developing *justice as fairness*. I appropriate this framework by further outlining this deliberative process, and, then, I use it to explain various forms of political philosophy. By pointing to the various types of inputs selected for introduction to the deliberative process of reflective equilibrium, we can distinguish between ideal theory, nonideal theory, strong realism and weak realism. In the end, I recommend a form of weak realism; realist nonideal theory combines moral and realist concepts. The intuition critique forces political theorists to adopt strong realism, or to accept the ideological function that morality plays in political theorizing. RNT concedes to the intuition critique and accepts the latter option by offering an approach that is less ideological: realist and moral judgments are combined and weighted equally, the introduced couplets are judgments which contain intuitions. These intuitions help define the larger RNT judgment but are not directly used in the deliberative process; these intuitions are limited to a definitional role. In this way, the intuition critique misses RNT, and because it accepts its ideological role while being more revisable in light of undesirable ideological influences.