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IS IDEAL THEORY ANARCHIC?

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**Abstract**

There has been an uptick in attention paid to institutional questions in ideal theory. The fundamental question concerns whether the ideal social world would include a state. The answer turns on how one models the ideal social world. I identify three parameters of such a model and show that there is no *a priori* answer to the aforementioned question. It depends, in part, on whether there exist political disputes – or “friction” – between the agents in the model. What generates this friction? *Pace* a series of recent arguments that suggest that the generation of political friction comes from the presence of injustice, I argue that it is actually political diversity or pluralism that produces the types of disagreements relevant to the justification of the state. Injustice is merely one potential source of disagreement and only generates “friction” when there are also just agents in the model.

**Keywords:** Anarchy, Ideal Theory, Justice, Kavka, Rawls

Imagine the ideal social world. Everyone does what they ought to do simply because it is what they ought to do. Would a government be justified?[[1]](#footnote-1) Or would a government be superfluous? Such questions are part of what Christopher Freiman (2017a, 301) calls “ideal institutional theory.” Recently, there has been increased attention paid to these types of questions as evidenced in the extensively discussed works of G.A Cohen (2009) and Jason Brennan (2014). Whereas Cohen and Brennan debate the ideal *market* institutions, this paper concerns the ideal *political* institutions.[[2]](#footnote-2)

Call those who believe a government would be superfluous *ideal anarchists*. James Madison (2001) was one of the earliest defenders of the position. His often-quoted conditional that “if men were angels, no government would be necessary” exemplifies the core contention of the ideal anarchist. If everyone did what they ought to do, then there would be no role that government would be justified in performing. Government is only justified in order to prevent things from going wrong, say, by solving coordination problems, or to address things that have gone wrong, such as resolving disputes. In the ideal social world, government is not needed for either.

Call those who believe a government would be needed *ideal statists*. John Rawls was the most acclaimed ideal statist (1999, 2001, 2003). In *A Theory of Justice*, he introduced the assumption of strict compliance with the principles of justice as the fundamental feature of an ideal theory of justice. Strict compliance assumes that everyone will “act justly” and “do his part in upholding just institutions” (1999, 8). Still, he thought that a state was going to be needed in a world in which strict compliance obtains. Another ideal statist was Gregory Kavka (1996). *Pace* Madison, he argued that even if men were angels, government would still be necessary to resolve disputes resulting from the epistemic, as opposed to moral, limitations of angel-like men.

Reacting to the ideal statism of Rawls and Kavka, Jacob Levy (2016) and Christopher Freiman (2017) have recently sought to vindicate Madison’s contention by showing that ideal statism faces an internal tension. They argue that assuming strict compliance as Rawls does or moral perfection as Kavka does idealizes away the problem that justice is trying to solve. Levy (2016, 313–14) puts the point metaphorically: “political life is *about* friction: no friction, no politics or justice.” Assuming away the friction assumes away the need for political justice and a just government. Freiman (2017, 11) maintains that Rawls and Kavka commit what he calls a *self-obviating idealization* which is “when a model of x is idealized such that it assumes away the problem x is intended to solve.”

Let us grant that Levy and Freiman are right that assuming away the friction assumes away a need for government.[[3]](#footnote-3) This paper addresses the following two questions. First, *when* has a self-obviating idealization occurred such that friction is idealized out of the model? Second, *what* generates friction? In answering the first question, I do not defend either ideal anarchism or ideal statism. Instead, I specify the conditions under which a government would have a justified role in the ideal social world. Both sides of the debate have failed to be sufficiently precise in describing the agents that inhabit their preferred model of the ideal social world. This imprecision is what produces the disagreement between the ideal anarchists and ideal statists. In answering the second question, I challenge the claim that *injustice* is what generates friction in politics. Political *diversity* or *pluralism* that leads to *disagreement* is what generates the friction that creates a need for politics.

The structure of the paper proceeds as follows. First, I specify three parameters – the instantiation of which are required in any model of an ideal social world – to be used for determining when government would be justified – determined by satisfying two conditions – in the ideal social world.[[4]](#footnote-4) Second, I present the Rawlsian specification of what I call the agential parameter and argue that it does not assume away the problem as Levy and Freiman claim. Third, I consider Kavka’s specification of the agential parameter and his argument that morally perfect people would not need government. Whether this is true depends on what one means when one claims that the agents in the model are morally perfect. Fourth, I suggest that Levy and Freiman are mistaken in thinking that injustice is what causes the friction that justifies the existence of a government. Fifth, I demonstrate the import of the previous section vis-à-vis Levy’s argument.

**JUSTIFIED GOVERNMENT IN THE IDEAL SOCIAL WORLD**

Consider the ideal social world, *w*. Let us say whether the justification of a government, *g*, that ranges over a set of agents, *a*, in *w* depends on (1) *g* performing some significant role*, r*, in *w* (2) that *a* would not voluntarily perform better in the absence of *g*. Three parameters – g, *a* and *r* – must be instantiated. Call the specification of *g* the *institutional parameter*, the specification of *a* the *agential parameter* and the specification of *r* the *role parameter*.[[5]](#footnote-5)

The role parameter specifies what is the functional role of government. The most common specification is as a conflict or dispute resolver.[[6]](#footnote-6) Absent government, it is often claimed that conflicts would go unresolved. Obviously, there are other possible specifications. One prominent alternative is as an assurance provider (Weithman 2013; Neufeld 2011; Thrasher and Vallier 2013). Another is as the provider of public goods (Rawls 1999, 236). For our purposes, I focus on the dispute-resolution specification as it is the most common and seemingly the most crucial.[[7]](#footnote-7)

More contentious is the agential parameter which requires that two dimensions of agents and one normative standard be specified.[[8]](#footnote-8) The first is the *motivational dimension*. The motivational dimension specifies the degree to which agents are committed to realizing what the *normative standard*, *s*, demands. The range of the motivational dimension spans from an absolute commitment to realizing *s* to an utter disregard for realizing *s*. The second is the *diversity dimension*. The diversity dimension specifies the degree to which agents share an understanding of what *s* demands. The range of the diversity dimension spans from all citizens unanimously sharing an understanding to each citizen having her own understanding of what *s* demands.

Finally, the institutional parameter specifies what type of state institutions (if any) govern the agents. These institutions can take different forms. I will not attempt to exhaustively consider the possibilities here. It is more important, I believe, to make explicit that the institutional parameter, regardless of how it is specified, depends importantly on the agential parameter as the agents that operate the government are the same agents specified in the agential parameter.[[9]](#footnote-9)

Having introduced the parameters, I turn to the meaning of ‘justification.’ I will not attempt to provide a comprehensive defense of what is required for a government to be justified. Rather, I propose the following two necessary conditions. Call the first the *existence-of-disputes condition* which requires that disputes exist in *w* that *g* can, in principle, resolve. Given our specification of the role parameter, if there are no disputes, then there is no need for a state. Call the second the *better-than-anarchy condition* which requires that a state offer a better institutional mechanism for resolving disputes than having the agents resolve the disputes on their own. If disputes exist, the justification of *g* depends on itoffering a better way of resolving disputes than just having the members of *a* resolve them without *g*. In what follows, I demonstrate that the specification of the agential parameter determines whether the existence-of-disputes condition is satisfied.

**STRICT COMPLIANCE WITH JUSTICE AND THE NEED FOR GOVERNMENT**

Consider how Rawlsian ideal theory specifies the agential parameter. For Rawls (1999, 3), the normative standard is justice as it “is the first virtue of social institutions.” The motivational and diversity dimensions are expressed by Rawls when he states that “persons in the original position assume that the principles they acknowledge, whatever they are, will be *strictly complied with* and *followed by everyone*” (308–9, emphasis added).[[10]](#footnote-10) Call this specification of the motivational dimension *Perfect Justice* because it states that agents are motivated to and do perfectly comply with justice. Call this specification of the diversity dimension *Justice Homogeneity* because it states that there is no justice pluralism about the correct normative standard among the agents.[[11]](#footnote-11) Together, these yield what I call the **Rawlsian Specification of the Agential Parameter**:

*Normative Standard*: Justice

*Motivational dimension*: Strict compliance with the normative standard

*Diversity dimension*: Unanimous shared understanding of the normative standard

Both Levy and Freiman interpret Rawlsian ideal theory as being logically inconsistent. Levy (2016, 314) writes:

The ideal theories that appear relevant to political life necessarily smuggle in nonideal premises in order to justify the need for politics and justice altogether. Those that fail to do so also fail to be relevant, at best collapsing into a moral theory that lies across an unbridged gap from an articulation of political ideals of justice.

Freiman (2017, 7) identifies the same tension:

[I]deal theory houses an internal inconsistency. On the one hand, we must assume that people are *not* fully just to generate a need for the state in the first place. On the other hand, if people are not fully just, the state itself won’t be fully just either (it’s an institution run by people, after all.) In short, the assumption that generates a need for the state – that people aren’t fully just – at the same time undermines the assumption that the state is fully just.

The upshot of both arguments is that in order for a just government – which is essentially a conflict-resolver – to be necessary, there needs to be conflict. If people strictly comply with justice, then there would seem to be no conflict. Strict compliance assumes that people always do what is just. So there are no conflicts for the state to solve, thereby, making a just state superfluous. The existence-of-disputes condition goes unsatisfied. Ideal theory is, thus, anarchic.

The Levy-Freiman argument can be reconstructed as follows:

1. In order to justify a state, there must be a role for the state to perform and the state must normally perform that role.
2. The role the state plays is as a conflict-resolver.
3. Therefore, in order to justify a state, the state must have conflicts to resolve and must normally resolve them. (by 1 and 2)
4. If strict compliance with justice is assumed to obtain, then there are no conflicts for the state to resolve because everyone is doing what justice demands.
5. In many ideal theories of justice, strict compliance with justice is assumed to obtain.
6. Therefore, in those ideal theories of justice where strict compliance with justice is assumed to obtain, there are no conflicts for the state to resolve because everyone is doing what justice demands. (by 4 and 5)
7. Therefore, a state cannot be justified in an ideal theory of justice where strict compliance with justice is assumed to obtain because the state must actually have conflicts to resolve and there are no conflicts for the state to resolve because everyone is doing what justice demands. (by 3 and 6)

This argument is valid, but is it sound? The candidate premises are 1, 2, 4 and 5. Premises 1 and 5 seem largely uncontroversial. Premise 1 says that in order to prefer a state to anarchy, the state needs to offer something that anarchy does not. The role parameter must be instantiated. Premise 5 states that many ideal theories of justice do assume strict compliance (Simmons 2010). It is worth mentioning here that not all ideal theories of justice assume strict compliance as expressed in Gilabert (2011, 2017) and Gaus (2016). As such, those versions of ideal theory are not placed in jeopardy by the Levy-Freiman argument. Premise 2 is a possibility. At issue is the proper specification of the role parameter. But, as noted when the role parameter was introduced, I accept this specification and grant this premise. For present purposes, premise 4 is the relevant one. The conditional is false when strict compliance with justice is assumed to obtain in *w*, but the existence-of-disputes condition goes unsatisfied – there remain conflicts for the state to resolve. The question becomes: would the existence-of-disputes condition be satisfied in *w*?

A way to demonstrate that the existence-of-disputes condition goes unsatisfied in *w* would be to show that it is logically ruled out by the specification of the agential parameter. One may think that the way to perform such a demonstration would be to show that strict compliance with justice entails the absence of any potential political disputes. Such a demonstration requires two steps. First, it must be shown that strict compliance with justice entails consensus about justice. Second, it must be shown that strict compliance with justice and consensus about justice together entail the absence of political disputes.

The first step, then, is to show that *Perfect Justice* entails *Justice Homogeneity*. Call this the *entailment thesis*. Levy (2016, 315) endorses it: “Consensus is implied by full compliance, in a way that is sometimes overlooked; we could hardly all commit to abiding by the same principles of justice if we did not already agree to those principles.” The rationale seems to be that if everyone strictly complies with what justice demands as specified by *Perfect* Justice, then everyone must endorse the same understanding of what justice demands as specified by *Justice Homogeneity* because everyone could not strictly comply with what justice demands if individuals fail to share a common notion of what justice demands.

To illustrate why, consider the following two-person model. If (1) Arnold believes and acts according to a notion of what justice demands, x, (2) Brady believes and acts according to a notion of what justice demands, y, and (3) x is not identical to y, then Arnold and Brady would not be in a world in which *Perfect Justice* obtains because one of them is failing to strict comply with what justice demands. For *Perfect Justice* to obtain requires that both know and do what, say, x demands. Thus, *Perfect Justice* entails *Justice Homogeneity* because both Arnold and Brady have to endorse x – which is precisely how *Justice Homogeneity* is defined – for *Perfect Justice* to obtain.

For Levy and Freiman, corroborating the *entailment thesis* is important because they see it as also achieving the second step. The argument is that strict compliance with justice plus consensus on justice implies that there would be no disputes about justice because everyone agrees on (consensus) and does what (compliance) justice demands. If correct, this would mean that the consequent of premise 4 is true because there would be no conflicts (since there would be no justice-based disagreements) for the state to resolve. It would follow, then, that a state cannot be justified because the existence-of-disputes condition would go unmet. An ideal theory of justice in which strict compliance is assumed to obtain entails anarchy.

However, this is too quick. The *entailment thesis* does not show that the existence-of-disputes condition has not been satisfied. I do not directly dispute the truth of the *entailment thesis*, but I do question its ability to vindicate the truth of the consequent of premise 4. While I grant that the *entailment thesis* is true, it only gets us step one, not step two. The conjunction of *Perfect Justice* and *Justice Homogeneity* does not entail the absence of political disputes. To express my skepticism, I consider two ways of specifying the operative notion of “justice.” On either specification, there remain conflicts that a government could play a role in resolving.

The first way specifies “justice” in general terms. Call this **General Specification**. In *Perfect Justice*, “justice” refers to the principles of justice. Everyone strictly complies with what the principles of justice demand. What is not specified is the precise practical realization – the institutions, laws, norms, conventions, etc. – of those principles.[[12]](#footnote-12) For example, it is specified that the set of principles of justice, *E*, is binding, but left unspecified what is the best realization of *E*. In *Justice Homogeneity*, everyone endorses the same understanding of what the principles of justice demand. So, while it may be specified that everyone agrees on *E*, it is not specified that everyone agrees on the best realization of *E*. The lack of precision along both dimensions is damning because there is room for disagreement about the optimal realization of *E*.

Suppose Arnold and Brady agree that *E* is the correct set of principles of justice. However, Arnold reads *E* through a democratic lens and Brady interprets *E* through a socialistic lens.[[13]](#footnote-13) For Arnold, acting on *E* requires acting to bring about the basic structure found in a property-owning democracy, *a*. For Brady, acting on *E* requires acting in promotion of the basic structure exhibited in liberal market socialism, *b*. The actions Arnold takes towards *a* and the actions Brady takes towards *b* are in accordance with *E*. Yet, the result is that Arnold and Brady pursue different strategies for institutionally realizing *E*. Thus, there exist conflicts that a state could have a role to play in resolving; namely, those involving the implementation of the shared principles. This serves as an instance in which the *entailment thesis* fails to corroborate the consequent of premise 4 as Arnold and Brady could both be motivated to strictly comply with what the principles of justice demand, but disagree about what this requires. The problem is one of under-determination. General Specificationallows for disagreements to emerge because it is too indeterminate to rule out different interpretations of the correct implementation of the normative standard. Thus, premise 4 is false because the consequent turns out to be false.[[14]](#footnote-14) The use of the *entailment thesis* to show that the existence-of-disputes condition is unsatisfied fails. The second step has not been taken.

The second way offers a more plausible account of how the *entailment thesis* could be used to demonstrate the truth of the consequent of premise 4. Call this **Precise Specification** because it specifies “justice” in maximally precise terms. If what justice demands is specified in maximally precise terms – say, by starting from the most general principles of justice, moving to the particular institutional instantiations of the principles and the corresponding laws, and working down to conventions and norms – then the fact that *Perfect Justice* entails *Justice Homogeneity* might seem to substantiate the consequent of premise 4 insofar as there are no disagreements along *any* of these metrics. If *Perfect Justice* requires one to specify what amounts to every justice-relevant feature of the social world, then what the *entailment thesis*, in effect, does is stipulate away disagreement along any of those same justice-relevant features of the social world.

Clearly this is an extremely ambitious account of “justice.” It requires (1) that all justice-relevant features, *f1*, *f2*…*fn*, be specified *and* (2) that no *f* be the subject of disagreement. This extends beyond the ordinary usage and clearly beyond what Rawls meant. The stipulating away of the vast number of potential sources of disagreement is a seismic assumption and not the assumption of strict compliance made in *A Theory of Justice*. Grant that this is no longer a critique of Rawls, the question becomes whether it is the case that there are really no political conflicts for the state to resolve under Precise Specification. The relevant type of conflicts arise from “two main categories: competing interests, and conflicting judgments among people who must find a way forward together” (Estlund 2016, 306). The former likely results from opposing “fundamental aims or desires,” while the latter likely results from some sort of “cognitive limitation” (2016, 306). Put differently, individuals disagree about either fundamental or strategic matters for either normative or factual reasons. What Precise Specificationdoes is specify (assume) away all the possible sources of normative and factual disagreement *about justice*.

Does this fail to satisfy the existence-of-disputes condition and, thereby, make the consequent of premise 4 true? It depends on whether justice-based disagreements exhaust the set of disputes a government is justified in resolving. It likely does not. While we obviously do not want government settling disputes between a couple about where to go for dinner, it is also obvious that justice is not the whole of morality. It is important that this frequent equivocation not persist. Though Rawls (1999, 3) says that “justice is the first virtue of social institutions,” he does not say it is the only virtue. Indeed, it seems to imply that there are others. Where to draw the boundaries on justice is a hard question and one that I could not fully address. Nonetheless, important values like care (Held 2007), compromise (Wendt 2016), peace (Kukathas 2003; Gray 2002), social trust (Vallier Forthcoming) and others do not seem to be wholly subsumed by justice and relate to issues in which the state could have a role.[[15]](#footnote-15) Even when everyone knows and does what justice demands, there is nothing that precludes individuals from disagreeing about the rest of socio-political morality. Such disagreements may involve what the other values are as well as the relative weights. If non-justice, political disagreements can occur, there can be conflicts that the state can play a role in resolving. The existence-of-disputes condition can still be satisfied on Precise Specification. As such, the consequent of premise 4 is false. The second step still has not been taken.

Though Levy's (2016, 324) claim that strict “compliance as a modeling assumption requires consensus” such that “we cannot treat full compliance as an assumption without an accompanying assumption of consensus” is true, he is mistaken in thinking that it can do the argumentative work wanted. The consequent of premise 4 comes out false whether “justice” is given a General or Precise Specification. We seem to lack a way of taking the needed second step.

It is relevant to mention here that Jonathan Quong has led the public reason literature in the direction of idealized agents agreeing on what justice requires in responding to the asymmetry objection.[[16]](#footnote-16) What General and Precise Specification offer is an account of what idealized agents are agreeing on when it is claimed that they would agree on what justice requires. Obviously, “agreement on what justice requires” can mean different things. Less obviously, trading-off on the different meanings must be avoided when employing the *entailment thesis*. Doing so can make the *entailment thesis* seem to prove more than it does. Importantly, we have not merely assumed reasonable disagreement about justice. Rather, we have been exacting in our understanding of what “agreement or consensus on what justice requires” means.[[17]](#footnote-17)

Freiman poses his argument in terms of a dilemma for the proponent of strict compliance, but he and Levy now face a dilemma of their own.[[18]](#footnote-18) Either “justice” receives a General Specificationin which case the *entailment thesis* leaves room for conflicts to emerge, thereby, creating a role for a government to play in resolving them, or “justice” receives a Precise Specificationin which case (i) the argument no longer works as a critique of Rawls and (ii) though the *entailment thesis* rules out justice-based conflicts, there remain disputes in the overarching domain of socio-political morality that a government could play a role in resolving.

I suggest that the way forward is to abandon the strategy of using the *entailment thesis* to demonstrate the truth of the consequent of premise 4. Abandoning itmakes clear that the following three propositions are compatible: there can be (1) strict compliance with the principles of justice and (2) unanimous agreement on the principles of justice, (3) without there being agreement on everything that would be required to render the state otiose. This seems to be what Rawls (1999, 248–49) had in mind as he was explicit that his theory was of justice and not of moral perfection:

The theory of justice assumes a definite limit on the strength of social and altruistic motivation. It supposes that individuals and groups put forward competing claims, and…are not prepared to abandon their interests…[A] society in which all can achieve their complete good, or in which there are no conflicting demands and the wants of all fit together without coercion into a harmonious plan of activity, is a society in a certain sense beyond justice…I am not concerned with this ideal case.

The more idealized case of moral perfection is considered by Gregory Kavka. The Levy-Freiman argument has more force against Kavka’s claim that even a world populated by morally perfect people would satisfy the existence-of-disputes condition than it does against Rawls’s ideal social world in which strict compliance with justice obtains.

**MORAL PERFECTION AND THE NEED FOR GOVERNMENT**

If a world in which strict compliance with justice obtains still satisfies the existence-of-disputes condition, would a world in which strict compliance with full morality also satisfy it? Or would strict compliance with full morality leave no conflicts for a government to resolve? Kavka (1996) argues that morally perfect people would need government because even they are susceptible to disputes resulting from the epistemic limitations of being human.

A morally perfect person – an “angel” – is defined by three features: (1) “a system of moral beliefs that is without flaw…a consistent, coherent, and reasonably complete moral belief system that contains whatever true (or objectively justified) moral beliefs there are and contains no false (or objectively falsified) moral beliefs”; (2) always acting in accordance with the system of moral beliefs; and (3) being “like ordinary people in every other respect” (1996, 42). This yields the **Kavkian Specification of the Agential Parameter** (or *Kavka’s Utopia*, for short).

*Normative Standard*: Full morality[[19]](#footnote-19)

*Motivational dimension*: Strict compliance with the normative standard

*Diversity dimension*: Unanimous shared understanding of the normative standard, but diverse beliefs on factual, practical and non-moral matters

Call this specification of the motivational dimension *Moral Perfection* because it states that agents are motivated to perfectly comply with what morality (which includes justice) demands. Call this specification of the diversity dimension *Moral Doctrine Homogeneity* because it states that there is no doctrinal moral pluralism among the agents. Still, there may be pluralism about what state of affairs actually matches the demands dictated by the shared moral doctrine.

The Levy-Freiman argument can be reformatted for *Kavka’s Utopia* by replacing ‘justice’ with full morality. I spare the reader a second reconstruction, but the operative question is whether the consequent of premise 4 is true in the conditions described after the replacement? That is, does the existence-of-disputes condition go unsatisfied when strict compliance with full morality is assumed? The answer turns on about what would angels disagree. Kavka provides four candidates. First, they may disagree about the facts. Second, they may disagree about the truth of moral pluralism. Third, there might be types of strategic interactions – like the provision of public goods or Prisoner’s Dilemmas – that put angels at odds in a way that a resolution by the state is Pareto-optimal. Fourth, “motivated beliefs” in which an angel acts out of some self-interested motivation rather than evidence could produce disagreement. Insofar as at least one of these candidates holds, angels could come into conflict and benefit from a resolution to said conflict by a state.[[20]](#footnote-20)

Kavka considers three ways one might attempt to rule out these sources of disagreement. The first is what he calls the *conceptual objection* which holds that moral perfection rules out disagreement. The conceptual objection is to morality what the *entailment thesis* is to justice. Kavka’s reply is that such an understanding of moral perfection extends far beyond its appropriate meaning. For the conceptual objection to work, moral perfection would have to refer to not just “having full and correct beliefs regarding the content of moral principles and being perfectly conscientious,” but also require “to know and use all facts, be perfect reasoners, have flawless (and mutually converging) judgment in applying general principles to specific situations, and perhaps – to solve coordination problems – even be capable of reading one another’s minds” (1996, 49).

The second is the *voluntary-settlement objection*. The idea is that although disagreements on practical matters might arise, morally perfect people would settle their disagreements voluntarily and peacefully. This is to say that angels have the moral virtue of *reasonableness* – a “willingness to settle voluntarily practical disagreements by discussion and compromise” (1996, 49). Kavka offers two strands of reply. The first is that for this objection to hold it would have to be the case that all the angels gave absolute priority to reasonableness or else disagreement about the correct priority ordering of moral values would emerge. Second, even if all the angels accept reasonableness as the highest-ranking value, it is subject to instability if other angels that fail to rank reasonableness highest are introduced into the population.[[21]](#footnote-21) The argument for instability relies on the creation of three different groups: (1) compromisers – those who rank reasonableness as the ultimate moral value; (2) uncompromisers – those who do not value reasonableness, so understood, at all; and (3) guardians – those who compromise “with all and only those who have compromised in all their previous disputes” (1996, 53). Kavka argues that even if you start with a population comprised only of compromisers, the introduction of uncompromisers will result in the uncompromisers overrunning the compromiser-population because all interactions between uncompromisers and compromisers result in the uncompromiser winning. Moreover, the introduction of guardians into the population cannot provide a non-state remedy of the situation. This is because guardians face both large information costs in monitoring all past interactions and incentive problems about why the compromiser should be favored given that the uncompromiser is just as likely to be right, given that both are morally perfect. Only government offers the right mix of centralization and specialization to solve this problem.

The third objection is the *futility objection* which holds that “government would be futile and useless among morally perfect people, because if a morally perfect person were unpersuaded by her opponent’s arguments and offers of compromise on a particular issue, she would not acquiesce even in the face of government coercion” (1996, 55). Kavka’s response is that angels will give some, though not absolute, weight to peaceful conflict resolution. Angels are not so obstinate that they would not prefer peaceful resolution of disagreements to violence.[[22]](#footnote-22) Government provides the means for resolving conflicts without the need to resort to violence.

Are Kavka’s responses to the three objections successful? If so, then there is a conflict-resolving role that government could play. However, Freiman (2017, 14) does not think that they are. Kavka’s argument is “subject to the same objection as Rawls’s arguments: the assumption that allows Kavka to carve out a role for the state – namely, that morally perfect people will clash with each other – at the same time disallows Kavka from stipulating that the people running the state will do their jobs properly.” Freiman just needs to show that *one* of the objections succeeds. Little time is spent on the conceptual or futility objection. I will not dwell on his brief responses. We shall focus where Freiman does: the voluntary-settlement objection.

Freiman finds no reason to think that state has a leg up on resolving conflicts that non-state actors could not equally or better-well resolve. He is in agreement with Levy (2016, 321) who says that supposing “we could stipulate full compliance with moral rules however demanding, then there is no reason not to stipulate better virtues than justice and a morally good enough humanity not to need a coercive state at all.” Notice what is happening in the dialectic, though. We are no longer debating the existence-of-disputes condition. Indeed, its truth is being granted! At issue is the better-than-anarchy condition. We are inquiring whether an ideal government *better* resolves the conflicts than ideal anarchism. The germane question has become: does government perform a significant role that some set of guardians could not perform or would perform worse?

According to Kavka, the two advantages government provides are (i) lower information costs and (ii) an incentive to settle conflicts reasonably. The reason the information costs are lower is because the state can centralize information; however, Freiman contends that large private organizations can centralize information as well as, if not better than, the government. The reason the state does not face incentive problems is because of the specialization of tasks that the different sectors of the state perform; however, Freiman suggests that private agents and agencies offer just as much specialization as the state. Freiman is likely correct on these points. Non-state alternatives *might* be as good as the state at resolving conflicts. It is an open-question that depends on a host of variables and how those variables get instantiated in the model.[[23]](#footnote-23)

Interestingly, Freiman’s discussion of Kavka does not include an argument aimed at showing the existence-of-disputes condition is unmet. Indeed, he seems to think that disputes resulting from diversity about factual, practical and non-moral matters will emerge. It is just that governments are bad at resolving them. The better-than-anarchy condition will go unsatisfied. Who is right about the status of the better-than-anarchy condition depends on the particular specification of the model. In making this assessment, I agree with Freiman that the comparison between the state and stateless alternatives requires that behavioral symmetry be assumed.

However, this is importantly not to say that strict compliance assumes away the need for government. Brian Kogelmann (2017a, 375) makes a parallel point in his review of *Unequivocal Justice*: “The lesson here is that there are many different ways of specifying the relevant behavioral postulate that lies in between being fully just (i.e., a moral angel) and not fully just (i.e., men as they are).” Though I disagree with Kogelmann’s identification of “being fully just” with being “a moral angel,” his criticism of Freiman seems correct. Insofar as the behavioral postulate is less than absolutely homogenous moral perfection (and it is in *Kavka’s Utopia*), one can employ a behavioral postulate that assumes strict compliance on morality for the motivational dimension, but not specify absolute homogeneity on the diversity dimension.

Kavka’s specification of the agential parameter satisfies the existence-of-disputes condition, but enough is not said about the institutional parameter to settle whether it satisfies the better-than-anarchy condition because individuals may be able to better resolve conflicts on their own. David Estlund (2016, 309) similarly appreciates that the institutional nature of ideal theory turns on how one specifies the parameters of the model. I hope that Kavka, Levy, Freiman, and Estlund would agree that determining whether the better-than-anarchy condition is satisfied is both context-specific and quite complicated. Though I am less optimistic, I also hope that they would agree that it is not the presence of injustice but of *diversity* that leads to *political* *disagreement* that determines whether the existence-of-disputes condition is satisfied.

**POLITICAL “FRICTION”: INJUSTICE OR DIVERSITY?**

What exactly is the “friction” that creates the need for a state? Levy and Freiman seem to think that the friction is *injustice*. Freiman (2017, 6) says:

The basic problem for ideal theory is that it cannot consistently apply its own assumptions. Assuming away injustice isn’t analogous to assuming away transaction costs in economics. Rather, as Jacob Levy has argued, assuming away injustice in political philosophy is analogous to assuming away *scarcity* in economics. The main problem with an economic theory that assumes away scarcity isn’t that it’s unrealistic (although it is); it’s that the very point of economic organization is to ameliorate the effects of scarcity. Questions of efficient economic organization don’t arise at all in a world without scarcity. Similarly, the very point of the state is to ameliorate the effects of injustice. As several theorists have noted, questions of justified state coercion don’t arise at all in a world without injustice.

Freiman’s point is that just as scarcity creates the need for economics, injustice creates the need for a state. In these cases, assuming away a particular parameter of a model assumes away the relevance of the resulting model. Levy and Freiman are correct about the general point. Their mistake is in identifying injustice as being an instance of it. This defines the source of friction too narrowly. What generates friction is *diversity* or *pluralism* that leads to *political* *disagreement*.

The only time injustice generates political friction is when there are already individuals that are just. It is the *disagreement* between the just individuals and unjust individuals that creates a role for a government to play in resolving the ensuing disputes, not the injustice itself. A more accurate characterization of the analogy that Levy and Freiman are after would be that scarcity creates the need for economics like disagreement creates the need for a state, while a particular economic arrangement might be in the business of addressing inequality like a particular governmental arrangement might be in the business of addressing injustice.

To demonstrate this, I consider two additional specifications of the agential parameter. A government is not justified in either because the existence-of-disputes condition goes unsatisfied in both. The relevant difference is that there are no disputes in the first because everyone completely agrees on all aspects of socio-political morality (which includes justice), while there are no disputes in the second because everyone completely agrees on all aspects of evil (which includes injustice). This shows that the specification of the normative standard is rendered otiose on certain specifications of the motivational and diversity dimensions.

Consider the first specification of the agential parameter in which the existence-of-disputes condition goes unsatisfied. Call this the **Homogenous Utopian Specification of the Agential Parameter** (*Homogenous Utopia*, for short).

*Normative Standard*: Full morality

*Motivational dimension*: Strict compliance with the normative standard

*Diversity dimension*: Unanimous shared understanding of the normative standard itself, as well as unanimous shared understanding on factual, practical and non-moral matters

*Homogenous Utopia* aims to be the maximally precise moralistic specification of the motivational and diversity dimensions. This specification of the motivational dimension is the same as Kavka’s, so I will continue calling it *Moral Perfection*. However, this specification of the diversity dimension is considerably more exacting. Call this specification *Absolute Moral Homogeneity*. Unlike General Specificationas well as both Rawls’s specification of the agential parameter and *Kavka’s Utopia*, there is no room for conflicts to emerge as a result of absolute agreement. This leaves no dispute-resolution role for the state.

Interestingly, Rawls (1999, 112) considers the possibility of a frictionless social world like *Homogenous Utopia*:

In an association of saints agreeing on a common ideal, if such a community could exist, disputes about justice would not occur. Each would work selflessly for one end as determined by their common religion, and reference to this end (assuming it to be clearly defined) would settle every question of right. But a human society is characterized by the circumstances of justice.

Estlund (2016, 310) describes the upshot of that passage as follows: “Grant that justice [and a just state] has no application in that case. But the condition envisaged there is not that of moral perfection, but (in addition or instead) a set of agents whose overriding motives are all perfectly common and determinate. That goes beyond conditions of the applicability of justice, but there is no reason, as I have argued, to think that such a scenario is entailed by individual moral flawlessness.” Putting Estlund’s contention in our terminology, when both *Moral Perfection* and *Absolute Moral Homogeneity* obtain***,*** there is no need for a *just* state because there is no need for *a* state because there are no political disputes. Importantly, this lack of a need for a state is not entailed by *Moral Perfection* alone, but only by specifying the motivational dimension *and* the diversity dimension exactly as we do in *Homogenous Utopia*.

What is interesting is that this result is replicable *regardless of how the normative standard is specified*. To illustrate this point, consider what I call the **Homogenous DystopianSpecification of the Agential Parameter** (*Homogenous Dystopia*, for short).

*Normative Standard*: Pure Evil

*Motivational Dimension*: Strict compliance with the normative standard

*Diversity Dimension*: Unanimous shared understanding of the normative standard itself, as well as unanimous shared understanding on factual, practical and non-moral matters

The specification of the motivational and diversity dimensions is structurally identical to *Homogenous Utopia*. The only change is to the normative standard. Agents strictly comply with and unanimously understand pure evil. In *Homogenous Dystopia*, government is not justified either because the existence-of-disputes condition goes unsatisfied. It is a world in which there is perfect adherence to the normative standard of pure evil. Given this, there are no disagreements and no role for the state. Moreover, as Levy and Freiman both recognize, there is no hope for a state to help move towards a more moral world because those that would occupy the roles of the state would advance identical pure evil policies. This follows from assuming behavioral symmetry.

Thus, neither *Homogenous Utopia* nor *Homogenous Dystopia* satisfy the existence-of-disputes condition. As such, a state would not be justified in either case. One could specify different normative standards that fall between these two extremes and produce the same result. Insofar as the motivation and diversity dimensions receive the maximally precise specification being given here, then there will be no way to justify a state. I believe this shows *the priority of diversity*.[[24]](#footnote-24) By that, I mean political diversity and disagreement, not injustice or immorality, generate the friction needed to justify a state. A world comprised of only unjust agents could be anarchic. A world comprised of only morally perfect people could contain a justified government.

**IMPLICATIONS OF THE PRIORITY OF DIVERSITY**

Having argued that political diversity creates friction, I want to highlight two important implications of this result. I do so in light of Levy’s argument because he is especially attentive to concerns about pluralism. He (2016, 324) writes:

If we reasonably disagree about conceptions of justice, and if either we plausibly disagree about the second-order question of when to comply with rules we consider unjust, or we agree on a second-order answer that calls for sometimes not complying with unjust rules (while disagreeing about the first-order question of which rules are unjust), then dissensus entails the possible absence of full compliance. One agent’s failure to comply is another’s substantive disagreement.[[25]](#footnote-25)

The upshot seems to be that disagreement about justice or justice pluralism calls into question whether full compliance obtains. Much hangs on how to understand Levy’s consequent: “dissensus entails the possible absenceof full compliance.” I am unclear on how to square the entailment claim with the operative notion of possibility. From dissensus it follows that there might not be full compliance. But this fails to tell us *when* dissensus actually *does* entail the absence of full compliance. And this is precisely what needs answered. I suspect Levy is getting at something like my earlier remarks concerning the specificity of what there is consensus about and compliance on.

With that in mind, let us consider the following two points. First, Levy worries that strict compliance cannot be a genuinely political modeling assumption. I contend that it can. Second, whereas Levy focuses almost entirely on moral idealizations, I argue that significant epistemic idealizations must be made in the model to rule out all possible justifications of the state.

1. **Strict Compliance can be a genuinely *political* modeling assumption.**

According to Levy (2016, 318), ideal theory that assumes strict compliance with justice does “nothing to justify being in the business of normative *political* theorizing about *justice* if humans could be assumed to fully comply with whatever morality demands of them.” Though I feel compelled to again flag the equivocation between justice and morality, I will focus my attention on making sense of Levy’s use of ‘political.’ The idea seems to be that normative *political* theorizing about *justice* requires that there be something that puts humans at odds. Levy takes this to be injustice. Since strict compliance with justice idealizes injustice out of the model, such a model fails to put the agents that populate the model at odds in the right sort of way.

However, as I have argued, it is not really injustice that puts agents at odds. Indeed, one can construct a model in which all agents strictly comply with a normative standard of injustice. What puts agents at odds is the fact that some are presumed to be just and others unjust. It is this diversity that makes the model political because diversity can lead to disagreement. And there are many ways of modeling the requisite type of diversity. Injustice is not special; diversity is.

So, when Levy (2016, 322) writes that “the full compliance assumption that makes clear sense in micro cases does not make sense in the domain of *political* justice. Partial noncompliance at the micro level might be the result of bad will, but partial compliance with political justice is a central feature of political life,” an important point is missed. Levy seems to be saying that noncompliance at the micro level could just be because some agents have ill-will; however, at the macro level, noncompliance with justice is an essential part of the enterprise. The mistake is in thinking that what must be modeled for the project to be political is noncompliance with justice; what must be modeled is diversity that leads to disagreement. There may be strict compliance with some general set of principles of justice, but pluralism about the interpretation of those principles. This would generate the friction needed to make the model political and retain the strict compliance assumption. There are many ways of simultaneously modeling diversity and full compliance.

Thus, the spirit of Levy’s interpretation of Kavka’s argument is correct: that compliance and consensus are, as he puts it, “entwined” at some level. However, this entwinement does not entail the conditional that “if we did not have consensus, then we could not assume strict compliance” (2016, 323). The truth of the conditional turns on the degree of specificity of consensus. If we did not have even *general* consensus, then we could not assume strict compliance. There needs to be *something* on which the agents are complying. Though, if we did not have *particular* consensus, we could still assume strict compliance on something more general.

Relatedly, Levy (2016, 325) says that full compliance is not privileged and “becomes just one idealizing modeling assumption among others. The same will be true for the…consensus” requirement. Though Levy is right that full compliance is just another idealizing assumption, he is wrong in treating consensus as just another idealizing assumption. If *full consensus* is understood to be as robust as what I called *Absolute Moral Homogeneity*, then a model that also includes strict compliance becomes anarchic. Assuming away all disagreement assumes away the need for a state. The conjunction of absolute consensus along the diversity dimension when paired with full compliance along the motivational dimension yields anarchy. Absent modeling the possible world in such a specific and demanding way, agential pluralism makes the situation properly political.

1. **To model in such a way as to rule out all possible justifications of a state requires not just normative idealizations, but also *epistemic* idealizations.**

If political diversity that creates disagreement is what generates the friction that creates a role for a state, then we need to get clearer on the notion of friction. I identify two classes of friction. The first class results from broadly *normative pluralism*. This is the type Levy is primarily concerned with and has been discussed throughout. The second class results from *epistemic pluralism* by which I mean diverse beliefs about factual, practical and non-moral social matters. How significant epistemic idealizations are for the ideal anarchist’s argument gets underappreciated.

Levy correctly reads Kavka as making the point that there can still be a need for government even if all the agents are morally perfect – that is, when there is no normative pluralism. One reason this could be is that agents rely on government to provide rules and institutions to solve coordination problems and provide public goods. That is, if the model is populated by agents that are understood as being genuinely human, then disagreements resulting from bounded rationality and living in a shared social world can lead to the existence-of-disputes condition being satisfied. Of course, one could model the agents as being “super-human” in some sense to avoid disputes that arise as a result of epistemic pluralism. Levy (2016, 322) notes that Kavka “acknowledges the possibility that there could be beings who had infinite moral knowledge as well as infinite moral virtue – archangels – who might extricate themselves from these dilemmas [epistemic disputes]; whether they *would* depends on the ultimate shape of morality that they would know (and we don’t).” Levy is on the right track in flagging that whether the archangels would circumvent epistemic disputes is conditional on “the ultimate shape of morality that they would know.” To be specific, having infinite moral knowledge would not be enough unless infinite moral knowledge includes answers to things like coordination problems and how best to provide public goods. My inclination is that such knowledge falls outside the realm of moral knowledge. It more naturally falls into a category that we might call social knowledge. Infinite moral and vast – perhaps, infinite – social knowledge would be needed to logically entail that the state is made otiose. Unfortunately, social knowledge often gets overlooked or lumped in with moral knowledge.

Importantly, however, Levy and Freiman are correct that the mere existence of coordination problems and the need to provide public goods is insufficient to justify government.[[26]](#footnote-26) This is because, in ideal theory, these issues can, in principle, be solved without a state. In ideal anarchism, coordination problems – like which side of the road to drive on – as well as the provision of public goods – like whether to contribute to a dam – may dissolve when individuals have been idealized to be uniformly motivated to live out the solution.

Yet, there is reason to treat coordination problems differently from the provision of public goods in ideal theory. An anarchic provision of public goods can successfully be achieved solely through normative idealization as morally perfect agents will provide public goods purely out of good-will. If a dam needs built, everyone pitches in to build it. A state mandating that individuals help is unnecessary. However, coordination problems cannot be solved through normative idealizations alone. For Levy and Freiman to be necessarily correct about coordination problems being insufficient to justify government requires that agents all know, say, the norm is to drive on the right side of the road such that government does not have a role in punishing rule-breakers with the purpose of ingraining and maintaining the coordinated solution. Epistemic idealizations are needed to rule out a role for the state in solving coordination problems. Of course, morally perfect agents could solve coordination problems without government through the emergence of conventions. But will they? The answer is not obvious; *a priori* analysis is insufficient here.[[27]](#footnote-27)

The upshot of this discussion is that political friction can come in many forms. One important and undertheorized form arises as a result of epistemic pluralism. The ideal anarchist position depends on epistemic idealizations assuming away epistemic pluralism in *a priori* solutions to coordination problems. Perhaps morally perfect agents would develop solutions without government, but this would need to be argued for by the ideal anarchist. Absent epistemic idealizations, disputes can emerge not only as a result of normative pluralism on moral matters such as the permissibility of abortion, but also as a result of epistemic pluralism on what are generally taken to be factual or social matters such as on which side of the road should we drive.

**CONCLUSION**

Is ideal theory anarchic? Rawls and Kavka say ‘no.’ Levy and Freiman say ‘yes.’ I say ‘it depends.’ How and with what degree of precision the institutional, role, and agential parameters get specified determines whether a government is justified – evaluated in terms of the existence-of-disputes condition and better-than-anarchy condition – in the model. I have not employed any normative desiderata here to determine which model or set of models ought to be the attention of political philosophers engaged in this debate. What I have shown is just how many parameters need to be specified in a particular and precise way in order to rule out a role for government in ideal theory. There are many sources of friction. Importantly, the friction required to generate a need for a government is political disagreement, not injustice. The Levy-Freiman argument works when political diversity is the variable idealized away. But we must careful here. Assuming strict compliance does not entail that the relevant sort of political diversity is assumed away. Whether it does requires a more careful analysis of the model of the ideal social world under consideration.

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1. I use ‘government’ and ‘state’ interchangeably throughout. [↑](#footnote-ref-1)
2. Thanks to an anonymous reviewer for noting this parallel. [↑](#footnote-ref-2)
3. Perhaps this concedes *too much*. A Kantian inspired by the “Doctrine of Right” may hold that government is justifiable in the absence of friction. In transitioning out of the state of nature and to a system of property, assume that there are no disputes about any particular claims of property acquisition. Yet, for such acquisitions to be justified, government *qua* omnilateral legislative will is uniquely able to authorize the imposition of duties of noninterference on others that follow from adopting the property system. Absent government, the property system would be merely provisional. If the Kantian is correct, ideal anarchism can be undermined by either friction or deeper moral-justificatory considerations. This paper concerns the first disjunct. My thinking here was aided by Ellis (2005, especially chap. 4). I thank an anonymous reviewer for raising this point. [↑](#footnote-ref-3)
4. Thanks to an anonymous reviewer for suggesting this interpretation of the project, as opposed to being one of modeling building. For valuable projects of that type, see Wiens (2015) and Gaus and Hankins (2017). [↑](#footnote-ref-4)
5. If these parameters are specified “with some imprecision, such that they can take a range of values,” then a family of possible models is identified (Weisberg 2015, 37). Only when “we instantiate the parameters with completely precise values” will we “specify a single model” (Weisberg 2015, 37). This is related to Weisberg's (2007, 649) point regarding the representational ideal of “completeness.” [↑](#footnote-ref-5)
6. I use ‘conflict’ and ‘dispute’ interchangeably. [↑](#footnote-ref-6)
7. Of course, one could give a pluralist specification in which all of these are part of the functional role of government. The argument that I make in this essay will not turn on whether the specification is pluralist. It would simply require additional explication. [↑](#footnote-ref-7)
8. The agential parameter is specified at the population-level, not the individual-level. [↑](#footnote-ref-8)
9. This point about *behavior symmetry* was originally made in Buchanan and Brennan (2000). [↑](#footnote-ref-9)
10. Rawls (1999, 212) does admit that “we need an account of penal sanctions however limited even for ideal theory.” This may seem inconsistent with strict compliance on the principles of justice. I see the purpose of such an account to be, as Rawls (1999, 212) says, “a stabilizing device” and an assurance provider. Thanks to an anonymous reviewer for raising this point. [↑](#footnote-ref-10)
11. For a more extensive discussion of justice pluralism, see Kogelmann (2017b). [↑](#footnote-ref-11)
12. One may think here of Rawls's (1999, 171–76) four-stage sequence. [↑](#footnote-ref-12)
13. Another interesting example would have *E* be shared by Rawlsians and Libertarians. Here, too, the disagreement would be about the institutions best suited to realize *E*. See Tomasi (2013). [↑](#footnote-ref-13)
14. I could put the point more carefully. I grant that it is possible that, by coincidence, there could be no disagreements under General Specification. Three brief remarks about this possibility follow. First, this would seemingly be *highly* unlikely and not entailed by the view. Second, such a world would end up looking like a Precise Specificationworld evaluated *post hoc*. Third, itleaves conflict as a live option and this potentiality might warrant the existence of a state. [↑](#footnote-ref-14)
15. Unless we define ‘justice’ as referring to ‘the resolution of conflicts under the auspice of the state’ and stipulate that the set of conflicts that fall under the auspice of the state in an extremely capacious way. Many understandings of ‘justice’ are not strictly political. [↑](#footnote-ref-15)
16. Quong (2011, 213) says: “it is conceptually false to claim that there can be disagreements about justice that are both reasonable *and* involve one or both parties to the dispute reasonably believing that their opponents’ views are unreasonable.” For replies, see Gaus (2012) and Vallier (2017). [↑](#footnote-ref-16)
17. I thank an anonymous reviewer for suggesting this discussion. [↑](#footnote-ref-17)
18. Freiman (2017, 2–3) writes: “either (*i*) society is fully just, in which case there is no need for the state or (*ii*) society is *not* fully just, in which case we may not stipulate that the state itself is just. Neither horn…entitles the ideal theorist to their stipulation of an ideally just state.” [↑](#footnote-ref-18)
19. Full morality here is similar to Estlund’s (2017, 41) “global prime requirement.” [↑](#footnote-ref-19)
20. I do not think that “motivated beliefs” are a potential source of disagreement as they are in tension with what it is to be an angel. At issue is that self-interest may distort angels into performing an action that is morally wrong while believing it to be right. But, since angels have a flawless system of moral beliefs and always act according to that system, it seems that “motivated beliefs” could never be motivationally decisive. [↑](#footnote-ref-20)
21. The instability argument seems *ad hoc*. The defender of ideal anarchism could just make an analogous *ad hoc* stipulation that no angels that do not rank reasonableness first get introduced. [↑](#footnote-ref-21)
22. Michael Moehler offers a theory in which we have a higher-order reason to seek peace over the violent resolution of first-order moral conflicts. See Moehler (2018). [↑](#footnote-ref-22)
23. This is explored in Cohen's (2017) review. [↑](#footnote-ref-23)
24. Admittedly, “the priority of *political* diversity” would be more accurate. [↑](#footnote-ref-24)
25. Thanks to an anonymous reviewer for pressing me to address this passage. [↑](#footnote-ref-25)
26. Compare Waldron (1999) that views politics as essentially an impure coordination game. [↑](#footnote-ref-26)
27. Huemer (2013) argues that even non-ideal agents can solve coordination problems sans a state. [↑](#footnote-ref-27)