Synthesizing ideal and non-ideal theories into a cohesive theory of justice: The case of human trafficking as modern day slavery

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Abstract: It may surprise many to learn that in our modern world, there are currently between twenty-one and thirty-six million people who are trapped in the bondage of slavery. This statistic applies to countries across the globe, regardless of their wealth, educational opportunities, racial or ethnic composition, population, etcetera. I argue that two different (and often competing) theories of justice should be considered together in order to best fight against the present existence of human trafficking in the form of modern-day-slavery in our world. Ideal theorists propose that a theory of justice should be an ideal – that it should provide an objective standard of the requirements of justice regardless of whether or not it is realistic, attainable, or a likely candidate for compliance. Non-ideal theorists assert that such an ideal or standard is, in fact, unattainable and therefore should not be considered when deliberating over what a theory of justice should encompass. Instead we should focus on what is possible in the realm of attaining justice. Both ideal and non-ideal theories are necessary and beneficial when it comes to practically moving toward increasing justice in our world. One must not choose sides. I argue that we can make use of ideal theory to help us abstractly envision a slavery-free world, and we can make use of non-ideal theory to help us practically move toward a slavery-free world.

Keywords: slavery; human trafficking; ideal theory; non-ideal theory; political philosophy; applied ethics

Introduction

The Project at Hand

Ideal theorists propose that a theory of justice should be an ideal – that it should provide an objective standard of the requirements of justice regardless of whether or not it is realistic, attainable, or a likely candidate for compliance. Non-ideal theorists assert that such an ideal or standard is, in fact, unattainable and therefore should not be considered when deliberating over what a theory of justice should encompass. Non-ideal theorists think that we should be more concerned with what is possible in the realm of attaining justice than we should be with utopian ideals that sound really good but are highly improbable.

Additionally, non-ideal theorists level the criticism against ideal theory that it does not give us any practical methods of measurement, or ways to tell if we are moving successfully toward the ideal, or even what it should look like to move toward the ideal. What are the practical steps that can and should be taken to approach the ideal (whatever that turns out to be)? Ideal theory purportedly does not answer this question. It establishes the standard for a theory of justice, but does not practically help individuals or societies reach that standard.

On the other hand, ideal theorists criticize non-ideal theorists for giving us nothing to look toward as a standard of justice. Ideal theorists do not see how it is possible to even know if justice is being increased if there is no standard toward which to look as a guidepost. They might argue that practical action is meaningless when there is nothing to guide that action toward the most just ideal. Additionally, ideal theorists argue that non-ideal theory may concede too much to existing practices (status quo) in articulating justice (Weinberg, personal communication, 24th November 2013).
My goal in this paper is two-fold. On the one hand, much of the paper will focus on the current issue of slavery in our world. The widespread prevalence of this injustice seems to be at odds with both ideal and non-ideal theories of justice. I assert that both theories can (and should) speak to this issue, and that both theories have valid contributions to make when it comes to articulating a theory of justice specifically related to this issue of slavery.

I will also argue that both ideal and non-ideal theories are beneficial when it comes to practically moving toward increasing justice in our world. (By “increasing justice” I mean moving toward a world where all people are treated with dignity and are afforded the basic human rights of life, liberty, autonomy, and etcetera. I believe this is [minimally] what justice requires). I do not believe that this is a debate in which one must take sides. I argue that we can make use of ideal theory to help us abstractly envision a just world, and we can make use of non-ideal theory to help us practically move toward a more just world. These theories do not have to possess a causal connection with one another in order to jointly contribute to a more unified theory of justice (By “causal connection” I mean some type of connection in which the theories actually interact with one another). I especially believe this to be the case when considering issues of slavery in our modern world, and I hope that in providing the example of slavery this will become increasingly evident.

Proposed Approach to Reach the Goal of the Project
I have stated that my broad goal is to show that both ideal and non-ideal theory can, and should, speak to the injustice of modern day slavery. In order to accomplish this, I will begin by first discussing each type of theory in greater detail. I will appeal to Valentini’s (2012) conceptual framework regarding these two approaches to theories of justice, while also appealing to others who fall in each respective camp. To this end, I will appeal to Estlund (2011, n.d) and Rawls (1999) for ideal theory, Farrelly (2007) and Sen (2006) for non-ideal theory.

After this brief discussion of ideal and non-ideal theory, I will lay out the current non-ideal status of slavery in our present world. In order to deal with an injustice, it is important to understand the injustice as much as is possible. To this end, I will present facts and statistics from organizations and agencies currently dealing with the injustice of slavery in our world. From there I will move on to assess how both ideal and non-ideal theory can help to conceptualize this injustice and move toward a more just world in regards to slavery.

I will address how ideal theory can give us principles upon which to build our ideal of a slavery-free world. I will also address how non-ideal theory can help us to move toward taking smaller, manageable steps to increase justice for slaves in our world, even if the full realization of the ideal goal is impractical, improbable, or perhaps even impossible. Appeal to such a non-ideal theory will be especially important when dealing with issues of responsibility regarding modern slavery - who and/or what is responsible for the current state of affairs, and who and/or what is responsible for doing something about this injustice? Non-ideal theory can help us to begin dealing with these and other questions.

I will address the potential criticism that these theories are separate and cannot be combined in order to work together to achieve a theory of justice. I will assert the opposite – that these theories can work together as long as they are not viewed as being causally connected to one another. Their connection is conceptual, not causal. This distinction between conceptual and causal will be further explained in due time.

At the end, I hope to leave the reader with both a picture of the non-ideal status of modern slavery, as well as at least the beginnings of an idea of what one might do to rectify this injustice. In large part, such a project will deal with the more realistic and practical aspects of non-ideal theory. However, I believe that the overarching motivation for such a project will come from an idealistic standard established by some version of ideal theory. In this way, both theories will add to a richer picture of what it would look like for a theory of justice to hold the complete eradication of slavery as the ideal standard that then leads to practical steps being taken to decrease instances of slavery in our world.
A Brief Account of Ideal and Non-ideal Theory

Overview

In a paper that attempts to make clear exactly what ideal and non-ideal theory encompass, Valentini (2012) identifies three distinct meanings that can be given to the adjectives “ideal” and “non-ideal.” The first is that “ideal theory” may mean “full-compliance theory,” whereas “non-ideal theory” would mean “partial compliance” theory. Under this definition, focus is placed on the duties and obligations that apply to us in situations of partial compliance as opposed to situations of full compliance (Valentini, 2012).

A second meaning is that “ideal theory” refers to “utopian or idealistic theory,” whereas “non-ideal theory” is deemed “realistic” theory. The question surrounding such a definition involves whether feasibility constraints should be taken into consideration in normative political theorizing (L. Valentini, 2012).

A third meaning of “ideal theory” is called “end-state” theory, while the corresponding “non-ideal theory” is referred to as “transitional” theory. The question here regards whether normative political theory should focus on an ideal of societal perfection, or rather should focus on transitional improvements apart from determining an ideal (Valentini, 2012). All three of these conceptions of “ideal” and “non-ideal” theory will come into play throughout this paper.

Ideal Theory

J. Rawls is a seminal figure in the development of ideal theory. In his book A Theory of Justice he articulates criteria he believes are essential to a well-ordered (and fully just) society (Rawls, 1999). His first criterion is strict compliance. In a just society, members will always act in accord with the same principles of justice, whatever those may be. His second criterion is that basic social institutions satisfy and are known to satisfy the principles of justice. In appealing to Rawls’s view, Weinberg (2013) articulates such ideal assumptions clearly with the following four points:

- Individuals comply with the requirements of justice incumbent upon them in their everyday lives,
- Individuals actively support with their attitudes and actions the principles of justice and the institutions the principles require,
- Institutions which satisfy the principles of justice are readily available, and
- These institutions function well, not by luck but by design, and are not marred by serious other deficiencies.

Rawls himself does not deny that there may be serious feasibility constraints when it comes to applying the principles of justice in everyday life. Nevertheless he maintains that beginning with ideal theory is imperative because it provides “the only basis for the systematic grasp of these more pressing problems” (Rawls, 1999). We must first understand the nature and aims of a perfectly just society before we can proceed into the more non-ideal aspects of everyday life.

Estlund, a current leading proponent of ideal theory, does not find it problematic at all that a potential standard of justice might demand something that is practically unfeasible. To this end he argues that even if people simply will not comply with what justice requires, this should not constrain the actual demands of justice (Estlund, 2011). Merely because someone will not do something which justice requires, this does not change the fact that full justice still requires compliance. When theorizing about utopian principles of justice, feasibility should not matter.

Full justice does not change based on what people will or will not do. Furthermore, Estlund argues that if practical constraints are taken into consideration when determining what institutions a society should implement, the result “can hardly be thought to deliver the content of the idea of social justice” (Estlund, 2011).

Estlund (n.d) argues that justice is a moral standard, not a strategy. Therefore, when considering justice, what we should be considering is precisely the pure standard of justice; anything less is not real justice. Even in the face of bad facts, which Estlund defines as facts about real-world moral deficiencies, our standard for justice should remain steadfast. If justice begins to accommodate these bad
facts, Estlund contends that what we are dealing with is no longer true justice (Estlund, n.d). In this way, he affirms that justice does have a utopian content, and he argues that it very well should have such content in order to really be counted as justice. 

**Non-ideal Theory**

When we take a look at Rawls’s two criteria for a just society (strict compliance with the principles of social justice, and social institutions that satisfy the principles of justice), we can quickly see that neither of these criteria is met in the real world in which we live. Both individuals and groups frequently do not comply with principles a fully just society would require, and numerous social institutions fall grossly short of satisfying such principles. So what are we to do with this reality? Non-ideal theorists believe that they have answers to this question. They also believe that accepting the realities of non-compliance and lack of perfection as regards justice allows them to do the real work of moving toward a more just society even when a perfectly just society is only a pipe dream.

Sen is one such non-ideal theorist who criticizes ideal theory (which he refers to as the “transcendental” approach to justice). Sen contrasts the “transcendental” approach of ideal theory with his own “comparative” approach. Instead of spending time trying to identify “perfectly just societal arrangements,” Sen’s (2006) approach focuses on ranking alternative societal arrangements. Sen argues that the transcendental and comparative approaches are extremely different, and that neither approach “subsumes or entails the other” (p.216). On Sen’s comparative view, it may be the case that social policies are introduced, and these policies improve the status of social justice or advance justice on some level. However, even given such improvements, it may also be the case that societies are left far from the ideal requirements of the transcendental approach (Sen, 2006). This should not be considered a failure regarding justice, but rather a success because society would be left comparatively more just than was previously the case.

Sen believes he must rule out any connection or relationship between the transcendental and comparative approaches that would validate a need for the transcendental approach. Therefore, he questions whether the transcendental approach is either sufficient or necessary for making comparative judgments about justice. First, as regards sufficiency, Sen argues that there is nothing implicit within the transcendental approach that gives us a way to rank or measure comparative “distances” from perfection (or from other potential better or worse policies, for that matter). Therefore, the transcendental approach is not sufficient to help us make non-ideal comparative judgments about justice (Sen, 2006). Second, as regards necessity, Sen argues that the “relative assessment of two alternatives tends in general to be a matter between them, without there being the necessity of beseeching the help of a third – ‘irrelevant’ – alternative” (pp. 221-222). If this is true, it seems that making a judgment between two alternative social arrangements does not need to appeal to a third “transcendental” alternative. Furthermore, even in the face of incomplete variables and incomplete information, making comparative judgments regarding justice must not appeal to a transcendental ideal of a fully just society (Sen, 2006)².

Farrelly (2007) also criticizes ideal theory in favor of non-ideal theory. He states that a theory of justice, and the principles it endorses, should function as an adequate guide for collective action. He argues, “A theory of social justice that yields impotent or misguided practical prescriptions is a deficient theory of justice”. Arguably, this is what many ideal theories do – they provide little or no practical prescriptions for collective action in the real world. Farrelly believes that political philosophers should focus on non-ideal theory because it will provide them with “normative guidance for real, non-ideal societies” (p.845). With this in mind, I will now transition to looking at a very specific non-ideal reality in our present non-ideal society – the reality of modern day slavery.

*The Non-ideal Reality of Modern Day Slavery*

The reality of modern slavery is in some ways similar to and in other ways different from 19th century chattel slavery. Today, a good deal of modern slavery is understood as “Trafficking in Persons”
(TIP), although not all slavery is due to human trafficking. The United Nations Office on Drugs and Crime (UNODC) defines trafficking in persons as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (Trafficking in Persons: Global Patterns, 2006, p.7).

One organization defines slavery broadly as “a condition in which individuals are owned by others, who control where they live and at what they work” (The Abolition Project, 2009). Types of slavery can be divided and identified in different ways. Both sex trafficking and forced labor/servitude are prevalent forms of slavery in the United States, as well as in other countries worldwide (TIP Report, 2014). We will not spend time here elaborating on these different types of slavery, but suffice it to say that slavery presents itself in many and varied ways in the modern world. Our massage parlors, escort services, and brothels are filled with women and children (and sometimes men) who have not chosen to sell themselves, but are rather being sold against their wills for the pleasure and enjoyment of others. This does not mean that every person working in a massage parlor or brothel is a slave or a victim of human trafficking, but undoubtedly many people who find themselves in such settings are in fact slaves or trafficking victims. Factories and fields all over the world are populated with slaves who do backbreaking work to produce foods and consumer products that are sold cheaply across the globe.

The 2014 Trafficking in Persons (TIP) report is ripe with both statistics and stories of real people who have been caught up in this multi-billion dollar industry, and this is just one document among many similar documents detailing the current status of worldwide slavery.

Although the reality of modern slavery has entered the purview of knowledge for some in recent years, many (especially in the developed West) are largely unaware that there are currently an estimated twenty-one to thirty-six million slaves in our world (Free the Slaves, n.d.). Unfortunately, only about 44,000 victims who had been trafficked into slavery were rescued last year (US Department of State, 2014). This is a massive discrepancy – 21-36 million slaves, and only 44,000 were set free – and while these few were being set free others were being enslaved. This is problematic for many reasons, one being that “traffickers who enslave and exploit millions are operating with impunity; beyond the reach of the law...modern anti-trafficking laws and structures go unused, existing as theoretical instruments of justice” (US Department of State, 2013, p.8). So while human trafficking and slavery are technically illegal everywhere they exist (Free the Slaves, n.d.), relevant laws against these injustices are often not sufficiently enforced.

Trafficking in persons affects 161 countries worldwide, including the United States, Canada, the United Kingdom, and numerous other countries alike (UNODC, 2006). In fact, The United States of America is listed as “very high” in the citation index of destination countries (countries to which slaves are trafficked), and Canada is rated “high” on that same index (UNODC, 2006, p.20). Many might expect to learn of slavery existing in poorer countries in Southeast Asia and Africa, for instance, but are taken aback by these statistics that apply to slavery and trafficking in the West. This shows that slavery is a global problem, and it is not limited to impoverished countries. Even countries such as the United States, where slavery has been (supposedly) eradicated, people are trafficked and enslaved daily.

The Charters of Freedom (n.d.) decrees that all men (and women) are created equal, and we all are endowed with rights to life, liberty, and the pursuit of happiness. The thirteenth amendment to the US Constitution (n.d.) establishes, “Neither slavery nor involuntary servitude...shall exist within the United States, or any place subject to their jurisdiction.” And yet the United States of America is far from being a nation where all people are free, as slaves are trafficked into the United States daily.
While I have only provided a very simplistic and surface-level introduction to human trafficking and modern slavery, for our purposes this extremely brief survey will suffice. The question now at hand is whether or not ideal theory, non-ideal theory, neither theory, or some combination of theories can help us to best move forward with a theory of justice that can address this issue of modern slavery.

**Ideal and Non-Ideal Theory Applied to Slavery**

*The Ideal of a Slavery Free World (Ideal Theory)*

Thus far I have only mentioned “principles of justice” in the abstract, and I have not made any attempt to define what such principles or requirements might be. I will now attempt to provide one possibility regarding some minimal requirements of justice that could be considered some of the materials or components of a more comprehensive “theory of justice” by appealing to Nussbaum. In her article “Capabilities and Human Rights,” Nussbaum champions the “capabilities approach” which, when combined with a focus on human rights, gives a potential framework for us to envision some minimal requirements for a just society (Nussbaum, 1997). But before proceeding, let me make a few qualifications. First, a full-fledged “theory of justice” must include some set of guiding principles and some way in which to order those principles. So principles of justice should help us to answer the question “How should we make decisions regarding justice?” A theory of justice should also help us to know how to distribute justice in certain circumstances. Nussbaum’s “capabilities approach” is not necessarily a full-fledged theory of justice on its own, and it is not necessarily classified (by Nussbaum herself) as a work of ideal theory. Nevertheless I believe her “capabilities approach” can give us some important components of a theory of justice, as well as provide us with some possible criteria to be included in an ideal theory of justice. Second, Nussbaum’s list of capabilities should not be regarded as a list of positive entitlements that people possess, but rather a list of general capabilities that should not be infringed upon by other people. For instance, the first capability Nussbaum lists deals with the capability to live to the end of a human life of normal length. This does not mean that justice has been thwarted if a person dies at a young age due to a natural disease. However, if a person’s life ends early at the hands of another person that would constitute an infringement of the victim’s capability to live a life of normal length. I argue that Nussbaum’s list of proposed rights/capabilities can be considered a component of an ideal theory that would rule out slavery. I will further point out that her belief that rights are not meaningful unless people have the capability to realize those rights can be helpfully applied when thinking about how to move forward with a non-ideal theory that takes steps to decrease/end slavery.

Nussbaum (1997) points out that, while popular in contemporary political discourse, the language of rights is lacking. What matters more are capabilities. While declaring that certain people possess certain rights may be a step in the right direction, what really matters is whether or not those people have the capabilities to exercise those rights. For instance, The United Nations (2015) established by the United Nations declares that all human beings have certain rights simply by virtue of being human beings. However, the UN declaring that all people possess certain rights does not ensure that those rights are actually granted. Many people throughout the world do not experience the realization of such rights. This is why Nussbaum believes that such “rights talk” is not necessarily meaningful. She establishes a list of ten basic capabilities that she believes are intrinsically valuable and that make life fully human. She believes that these capabilities are of central importance in everything people plan and choose, and she likens her list to Rawls’s own list of primary goods. The items on Nussbaum’s list of capabilities include (p.287-288):

1. Life: Being able to live to the end of a human life of normal length; not dying prematurely, or before one’s life is so reduced as to be not worth living.
2. Bodily health: Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. Bodily integrity: Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.

4. Senses, imagination and thought: Being able to use senses; being able to imagine, to think, and to reason – and to do these things in a “truly human” way...Being able to use one’s mind in ways protected by guarantees of freedom of expression...Being able to have pleasurable experience and to avoid non-beneficial pain.

5. Emotions: Being able to have attachments to things and people outside ourselves...to love, to grieve, to experience longing, gratitude, and justified anger...

6. Practical reason: Being able to form a conception of the good and to engage in critical reflection about the planning of one’s life...

7. Affiliation: a) friendship: Being able to live for and to others, to recognize and show concern for other human beings, to engage in various forms of social interaction...to have compassion...to have the capability for both justice and friendship...., b) respect: Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others...

8. Other species: Being able to live with concern for and in relation to animals, plants, and the world of nature.

9. Play: Being able to laugh, to play, and to enjoy recreational activities.

10. Control over one’s environment: a) political: Being able to participate effectively in political choices that govern one’s life,...b) material: Being able to hold property (both land and movable goods); having the right to employment; having freedom from unwarranted search and seizure.

If we adopt Nussbaum’s list of capabilities as a minimal set of ideal requirements of justice, we are quickly able to see that slavery violates many of these requirements. In fact, one does not have to look far to see how slavery violates every one of these capabilities, perhaps with the exception of number eight, which deals with other species. Slavery violates a person’s right to life by putting individuals in conditions that often shorten their lives, as well as subjecting them to atrocities that may render their lives not worth living. Slavery represents a gross violation of bodily integrity, as slaves are not free to move from place to place, and they are often violently mistreated. These are just two examples of ways slavery violates Nussbaum’s list of capabilities, and many more could be specified if only we had ample time and space to go through each item on the list.

By appealing to this list, we can also begin to imagine what an ideally just world might look like in regards to slavery (It also should be noted that many of the items on Nussbaum’s list are similar to declarations made in The United Nations (2015) of the United Nations. But Nussbaum goes further than just making mere declarations). For each item on Nussbaum’s list, an ideally just world would not only declare that people have the rights to life, bodily health, bodily integrity, etc.; an ideally just world would be one in which these rights were fully realized for all people. Compliance and feasibility would not be an issue, as all people would work toward ensuring that these rights were realized. Those in such a just society would be guaranteed these rights, and they would be granted the capability to exercise their rights without threat of the negative infringement. Again, more would need to be considered in order to formulate a complete theory of justice that includes these rights/capabilities, but if all people were granted the capabilities that Nussbaum envisions, slavery would be a non-issue. Such an ideal picture is one that I personally long to see actualized. But alas, this is not our reality. This being the case, perhaps non-ideal theory can help us to practically address slavery in our non-ideal world.

The Practical Approach to Decreasing Slavery in the World (Non-ideal Theory)

In the previous section I appealed to Nussbaum in order to lay out one potential ideal framework for conceptualizing a just society as regards slavery. But the current status of slavery in our world quickly indicates that our world is far from just. This raises the question, aside from telling us that our world
is unjust, what does ideal theory really do to help remedy this situation? Non-ideal theorists might argue that ideal theory does precious little to help us take practical steps toward increasing justice for those who are currently enslaved. In fact, in at least some countries, slavery is declared unjust and illegal, and yet this does not deter traffickers and slave drivers from operating in those countries. Earlier I noted, “modern anti-trafficking laws and structures go unused, existing as theoretical instruments of justice” (US Department of State, 2013, p.8). This indicates that in some countries, people are declared to have certain rights including freedom and liberty, but not the capability to exercise those rights.

Non-ideal theory may be poised to deal with ensuring that people have the capabilities to exercise their rights. While I believe Nussbaum’s capabilities approach can help us to determine some good criteria for an ideal theory of justice, Nussbaum herself also believes that her capabilities approach provides “an account of the space within which we make comparisons between individuals and across nations as to how well they are doing [as regards justice]” (1997, p.279).

Sen (2006) argues for rejecting the traditional question “What is a just society?” and instead focusing on comparative questions of justice that deal with advancing justice or reducing injustice. As regards slavery, this would mean laying aside utopian ideals, picking out specific circumstances where injustice exists, and working to make those situations comparatively better than they otherwise would have been. Sen also believes that “a comparative theory of justice may be entirely viable and thoroughly usable without containing – or entailing – any answer to the grand question: What is a just society?” We do not need to identify fully just societal arrangements in order to investigate ways of advancing justice or reducing injustice in the world (Sen, 2006). Practically speaking, we do not need to theorize regarding what a right to bodily integrity fully includes in order to make comparative judgments that a society in which women are held in rooms with bars for purposes of sexual exploitation is less just than a society that takes steps to ensure that women are protected under the law and human traffickers are prosecuted and convicted under the law, even if this latter society is unable to eradicate all such instances of exploitation present in the former society.

One criticism mentioned at the outset of this paper against non-ideal theory regards the potential that non-ideal theory yields too much to the status quo. Especially when ideal theory is taken to mean “full compliance” and non-ideal theory only “partial compliance,” it seems that perhaps non-ideal theory might give up too easily on complete, full justice. For instance, it is likely the case that no individual, government, or societal institution will ever be able to prosecute and convict every person responsible for trafficking and selling human beings. However, this should not change (so say the ideal theorists) the fact that full justice requires that all instances of such human trafficking be found, eliminated, and justly punished. I am puzzled, however, as to why this should pose a problem for non-ideal theory. I argue that non-ideal theorists might agree that such a utopian picture of justice is desirable. But realizing that such a picture is unfeasible, unrealistic, or even impossible does not mean that non-ideal theorists are satisfied with the status quo. It is precisely because the actions of traffickers are seen as unacceptable that non-ideal theorists wish to work toward a reality that is more just than it otherwise would be. Even if every trafficker cannot be found and punished, increasing the number of traffickers who are punished seems like a victory on some level.

To this end, proponents of non-ideal theory are dedicated to figuring out exactly what it would practically look like for societies to increase justice and decrease injustice. For those involved in the fight against slavery, this might look like setting aside utopian dreams and working within grossly broken systems to systematically increase the number of people set free from the bondage of slavery. But is it possible for us to even know how to go about accomplishing such a task? How can we know whether this policy or that policy will help to increase justice and not inadvertently fail to make a difference, or perhaps even decrease justice?

Weinberg (2013) argues that both ideal and non-ideal theorists are overconfident in thinking they can know and implement correct principles of justice. Specifically regarding non-ideal theory, he points out that we cannot know (apart from experience) whether or not a certain principle is imple-
mentable, and even if it is implementable we cannot know whether actual implementation of a principle is desirable. We cannot predict what will happen if we implement a given principle (Weinberg, 2013). For this reason, Weinberg proposes that we engage in experiments of justice. Instead of just presuming that we can implement certain principles and that they will be good (justice-advancing) principles once implemented, we should experiment and learn from our experiments. This allows room for us to get things wrong and to adjust accordingly in an effort to implement principles, practices and policies that are, in fact, justice-advancing. These experiments could be theoretical (e.g., appeal to internal coherence), they could rule out arrangements that previous experience has shown to be morally unacceptable (e.g., historical evidence of the evils of slavery), or they could utilize people who choose to participate in actual experiments of justice.

Especially when considering the status of modern slavery, it seems such experiments in justice could be extremely helpful in figuring out what moving toward greater justice should practically entail. The variables present in current systems that support slavery are numerous and complicated. Increasing justice for many caught in these systems is a delicate matter. For instance, consider the structure of brothels in many developing countries. Some of the women and children in these brothels are recently trafficked victims. But others are trapped in the brothels because their mothers and grandmothers and great-grandmothers were trapped in the brothels before them – it is not uncommon for women to be born in a brothel and to die in that brothel. These generational victims are likely cut off from any existing family. They have no resources, no skills, and no safety net. Running through the brothels and setting them free without putting in place supportive services to help them survive might actually decrease justice, because once free these women and children would still be likely victims for other kinds of mistreatment and violence. I am in no way advocating that they are better off as slaves, but rather I am advocating that we set them free in ways that increase their capabilities to exercise their rights to life, bodily autonomy, and the numerous other minimal rights that we recognize are theirs. Because the systems in which these victims are caught are so intricate, and because we cannot know precisely how implementing certain policies and practices may actually affect their lives, coming up with experiments – whatever these end up looking like – seems to be an extremely logical and practical suggestion.

Appeal to non-ideal theory is also important when dealing with issues of responsibility regarding modern slavery - who and/or what is responsible for the current state of affairs, and who and/or what is responsible for doing something about this injustice? Again, when we consider the intricacies of the systems that contribute to slavery, it is not always easy to see how this industry is sustained and what individuals and societies should do to address the problem. What does seem clear is that establishing an ideal justice regarding slavery does not tell us who should do what in the practical fight against slavery. However, understanding things such as how victims are captured or coerced and moved across country lines virtually unimpeded may carry implications for people living in countries where trafficking both originates and terminates.

Understanding how public policy either contributes to or detracts from people’s capabilities to exercise liberties may entail that we become involved in advocating for or against certain policies. These are examples of activities that can happen in the real world, regardless of whether public awareness and social advocacy accomplish full justice. Doing what we can to increase justice when and where we can seems to be right, even if overall justice in the world remains grossly lacking.

**Combining the Two Theories In Order to Fight Against Modern Day Slavery**

Based on the account given in Section II briefly laying out both ideal and non-ideal theory, it seems to be the case that ideal and non-ideal theorists remain in conflict, each side advocating for their own theory to the exclusion of the other. Rawls (1999) believed ideal theory to be “the only basis for the systematic grasp of these more pressing problems” (p.8). He obviously believed ideal theory to be necessary if we are to advance a theory of justice. Sen (2006) asserts quite the opposite – that ideal theory is neither sufficient nor necessary when it comes to practically increasing justice in the world. It may seem, therefore, that we must pick a side in this debate. However, especially when considering
appealing to an ideal theory, such as a theory incorporating something like Nussbaum’s list of capabilities, can help us to see what a potential standard of justice might include, and how completely abolishing slavery would be a requirement under such a system. Appealing to a non-ideal theory, such as Sen’s comparative approach, may help us to practically evaluate better and worse systems of justice and to move toward the more just alternative. So I, for one, have a hard time picking a side in this debate. Fortunately, I do not believe that I must do so.

On the contrary, I believe that taking both of these theories and synthesizing them together can help us to develop a much richer, more comprehensive picture of a theory of justice. Ideal theory can provide the motivational standard, while non-ideal theory provides the practical steps to work toward the standard. To this end, Weinberg (2013) argues that ideal theory is a “good approach to developing candidate principles with which to experiment” (p.346).

Subsequently, once those candidate principles are determined, practical experiments can be considered and potentially implemented, and these experiments would hopefully point toward practices that would successfully increase justice in the world.

Despite their differences, perhaps both ideal and non-ideal theorists could be persuaded to consider such a synthesis given a qualification – I do not believe that the connection or link between these types of theories must be a causal connection, meaning that there is no direct link between theories. The connection between these two types of theories is merely conceptual – they may not necessarily need one another, but they can enrich one another. One criticism leveled against ideal theory is that it provides no methods of measurement regarding justice, and one criticism leveled against non-ideal theory is that it gives no standard toward which to look as an ideal of justice. When we consider each theory alone, in isolation, I believe these are valid criticisms. Furthermore, it seems that these criticisms point out that there is no way to directly connect these two theories. Ideal theory cannot reach down in a direct, causal way and pull non-ideal theory along on a set path toward greater justice. Non-ideal theory cannot, in every individual circumstance, act in a way that ideal theory directly prescribes (because ideal theory does not make such specific prescriptions). But this does not mean that each theory cannot use the other to strengthen and bolster its own position. There does not have to be an actual link between ideal and non-ideal theories, as if they are points on the same line. Perhaps they are parallel lines, not causally connected to one another, but nevertheless with a vantage point to look to one another for support in areas where each theory is weak and the “opposing” theory is strong.

We can even grant to Sen that perhaps ideal theory is neither sufficient nor necessary in order to make comparative judgments regarding justice. However, I assert that this merely speaks to the lack of a causal link between ideal and non-ideal theory, and not a negation of the importance of ideal theory itself. Even if ideal theory is not sufficient or necessary in this regard, this does not mean that it might not still be useful, and therefore important. Robeyns (2008) asserts that a mythical “Paradise Island” can serve as a metaphor for ideal theory. We do not know if it is attainable, but we dream to go there. This is our ultimate goal, and we strive to reach it. She further states, “Saying that ideal theory functions as a mythical Paradise Island may be taken to imply that it has a direct guiding function for policy and social change. But so far I have only suggested that ideal theory guides us by telling us where the endpoint of the journey lies; it does not necessarily tell us anything about the route to take to get to Paradise Island” (Robeyns, p.345). Even if this is the main function of ideal theory (and I am not making a judgment that it is), I argue that this is an important function. Knowing where the endpoint is, even if it is idealistic, can provide a richness and motivation for those working to make small-scale comparative improvements.

Sen (2006) argues that if we can make comparative judgments apart from ideals, then we may not have to answer the question “What is a just society?” (p.236). I argue that asking this question, and thinking about the answer, helps to enrich the picture of justice toward which we aim. I believe this
has especially important practical implications for those actively working to increase justice in a grossly unjust world.

Practical Application and Conclusion
To see how ideal theory can practically motivate non-ideal theory, I can speak to my own experiences as a social work practitioner. The “activist” part of me – the part that is not satisfied with sitting in my armchair and merely philosophizing about ideal justice – nevertheless needs some ideal to look toward. When you work day in and day out in the trenches, it becomes very easy to lose sight of the bigger picture of what you are doing and why you are doing it. Regardless of how unrealistic, I argue that often times a dream, ideal, or hope of how things should be in a perfect world is beneficial in order to keep on pursuing the immediate, imperfect (but nevertheless important) tasks at hand. In this way, I think of ideal theory as a goal to tack up on my bulletin board, to visualize, to imagine, and to dream about. I have heard of hopeful Olympic athletes who put pictures of gold medals in front of their training equipment so they can motivate themselves to work harder to achieve their goals, regardless of how unlikely those goals may be. For those of us who care deeply about abolishing slavery, perhaps we can tack up on our theoretical bulletin boards an ideal theory of justice in which slavery is a distant memory and all people have the capabilities to exercise their rights. And when we are in the trenches of reality and we lose sight of what we are fighting for, we can look up and be reminded that, however distant, there is hope for a just society as regards slavery, and we should keep pushing toward that ideal.

The tragedy, in my opinion, would be for us to sit around debating endlessly regarding whether ideal or non-ideal theory (or perhaps neither or both) are most right when it comes to a theory of justice. While we theorize, real people – 21-36 million of them – are enslaved. To the ends that both ideal and non-ideal theory can be used to encourage actual movement toward greater justice for these slaves, I wholeheartedly advocate for both. Furthermore, I believe that synthesizing these theories, recognizing their respective strengths and weaknesses, and employing them to work together to motivate action toward justice lifts both theories to a status of importance that neither possesses in isolation. We can hold the complete annihilation of slavery to be the ideal standard that justice requires, regardless of whether it is practical, feasible, or a likely candidate for compliance. And we can admit that, in the real world, full compliance with such a requirement of justice is extremely unlikely. Nevertheless we can look toward that goal as a guidepost, and we can employ non-ideal theory to help us work toward setting more people free and giving more people the capabilities to exercise their rights than otherwise would be the case.

Notes
1 Although issues of personal and collective responsibility applied to slavery will be mentioned briefly in this paper, a full response to such issues is far beyond the scope of this paper. This will be a topic of further development in forthcoming works.
2 See pp. 221-226 for the full discussion on why Sen believes the transcendental approach is not necessary in order to utilize his comparative approach regarding justice.
3 This section of the paper was expanded from a section in one of my own unpublished papers.
4 See Estlund’s criticisms in Section II, Part B above.
5 See Weinberg’s article for more specifics on these experiments in justice.
6 I am not agreeing or disagreeing with Sen here. I am merely pointing out that we can grant Sen’s claim and still hold that ideal theory might be beneficial and important in realizing a just society.
7 Prior to returning to school to pursue professional philosophy, I worked for almost five years as a licensed master’s level social worker. I venture the reader will not have to look far to see that my social work background and commitments have obviously affected my philosophy. In my opinion, this is for the better.

References


