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Introduction

Let me introduce my thesis with a short story.

There is a guy who wants to spend the little money he has by doing a trip. Following the tips of a 'friend', he decides to visit the city of God-Land, a poor small city-state with an extreme scarcity of resources. When the guy arrives in God-Land, he searches in vain for a comfortable hotel in order to stay closed in his room for the rest of his holiday. While he is desperate and very close to cry, a fascinating woman starts a speech in the dusty central square of the city. In fact, although a theocratic authority governs the city-state and imposes everything to citizens, it leaves them free to take public speeches about political issues. The guy is encouraged to listen to the good-looking speaker who recommends a set of normative prescriptions to enforce liberal-democratic institutions and to warrant free access to basic resources.

The speech is quite passionate, and it would be highly desirable to implement the proposed prescriptions. However, our guy is sceptical. So, he decides to intervene in the debate. "I think your proposal is highly desirable. Unfortunately, it seems not feasible to me to enforce liberal-democratic institutions and free access to basic resources in this city", hysterically claims the guys. Controlling her embarrassment, the speaker asks: "Interesting! Why do you think my proposal is not feasible?". The guy seems surprise for that apparently ingenuous question, and self-fomenting his superiority complex replies: "Come on! It is obvious! The recommendations of your prescriptions and the ways to implement them clash with facts characterizing this city. Hence, those facts affect the feasibility of your proposal". The foreign guy annoys the speaker, but she maintains her self-control and, smiling at him, she asks again: "Which facts do constrain the feasibility of my proposal?"

The aim of my thesis is to answer to this last question. That is to say: *which facts affect the feasibility of normative political prescriptions?*

In order to answer this question, I structured this thesis in five chapters.

In the first chapter, I will provide normative reasons to hold that normative political theories should satisfy feasibility requirements. Furthermore, I will roughly define when prescription(s) are feasible. In the first part of the second chapter, I will introduce some shared standpoints about feasibility; then I will show that we need an adequate criterion to select feasibility constraints and to distinguish them from simple facts. In the second part of the second chapter, I will introduce two normative criteria for the selection of feasibility constraints and I will show that they are both inadequate. In the third part of the second chapter, I will introduce a practical criterion for the selection of feasibility constraint. Although this criterion needs some further refinements, I consider it adequate. Thanks to this criterion, I will conclude that social facts (institutions, culture and economy), which are usually considered feasibility constraints in the relevant literature, do not qualify as such.. In the third chapter, I will conclude that feasibility constraints are: *logic rules*, *physical* and *biological laws*, certain motivations (*others' motivations*), *lacking material resources* and *human needs*.

More precisely, in the first chapter, I will argue that normative political prescriptions should be in a certain sense *feasible* since they can imply sanctions for people transgressing them. I will maintain that normative political prescriptions can imply legal rules, and legal rules are coercible. I will assume that it would be morally unacceptable to sanction people who do not act in accordance with a (set of) prescription(s) if it was impossible for those people to act in accordance with that (set of) prescription(s). Consequently, I will conclude that normative political prescriptions should adhere to a certain specification of the maxim 'ought implies can' ('OIC'). In particular, this means that that a normative political prescriptions does exist in a hypothetical set of 'all normative political prescriptions' only if people *can* satisfy it.

Thanks to the analysis of 'OIC', I will argue that the term 'can' could assume two meanings: 'can as being *possible*' and 'can as being *able to*'. Although, as I will show, only the first meaning is adequate for the logical validity of the maxim 'OIC' related with normative political prescriptions, such a double meaning of 'can' is fundamental to move on to the analysis of feasibility conditions. I will argue that

both meanings of *can* play a role in the definition of feasibility when normative political prescriptions are at stake. Therefore, I will conclude this chapter by claiming that feasibility is a necessary requirement for normative political theories, demanding that: it *be possible* for human beings to act in accordance with a prescribed (of forbidden) course of action; *or* that human beings *be able* to act in accordance with a prescribed (or forbidden) course of action.

In the second chapter, I will mainly review the state of art concerning the analysis of feasibility and I will criticize it in some regards. Here, I will introduce terms and commons standpoints found in the literature about the feasibility of normative theories. Then, I will pay attention to the list of facts that are usually considered to be feasibility constraints. Feasibility constraints will be distinguished between *hard* feasibility constraints (logic rules, physical and biological laws) and *soft* feasibility constraints (mainly: state of technology, institutions, economy, culture, human beings' features).

I will show that hard constraints represent the conditions of universal possibility, while soft constraints are conditions of contextual possibility or probability. This means that, if a (set of) prescription(s) is not compatible with the former set of constraint, it is unfeasible for all human beings, in any place, at any time. Therefore, it cannot exist in a hypothetical set of all normative political prescriptions. Differently, if a prescription is not in accordance with all or some soft constraints, it is not possible in a certain context to perform the prescribed actions, *or* it is not probable that human beings (or groups of human beings) are able to perform the prescribed actions. Therefore, I will say that it has not a full degree of feasibility.

In order to provide a clear understanding of these constraints, I will emphasize the import of the concept of feasibility by introducing the notion of *strict feasibility*: a requirement demanding that normative political prescriptions be compatible with any hard constraint and any soft constraint existing in a certain context. The introduction of the strict feasibility requirement will give me the opportunity to underline the main problem that investigations about feasibility try to solve: *the selection of soft constraints*. Thanks to the strict feasibility requirement, I will show that normative political prescriptions *should not* be compatible with all facts currently characterising

a certain context. Accordingly, dealing with soft constraints does not mean to care about any fact currently characterizing a context. Hence, we should distinguish between *simple facts* and facts that are *soft feasibility constraints*. In order to draw this distinction, I will suggest that it is necessary to find out an adequate formal criterion for the selection of soft feasibility constraints.

In the following two chapters, I will propose two different kinds of criteria for the selection of soft constraints, namely *normative* and *practical* criteria. These criteria propose different ways to distinguish facts affecting the feasibility of prescriptions from simple facts.

In the third chapter, I will propose two normative criteria different kinds of criteria for the selection of soft constraints. The hypothesis behind normative criteria is that: *'all and only normatively (or morally) valuable facts should be considered soft constraints'*. I will criticize normative criteria for the selection of soft constraints for two reasons. First, these criteria are sensitive to controversial implications that do not fit with my definition of feasibility and with the common sense definition of *'feasible as capable of being successfully used'*. That is to say, by adopting normative criteria we could conclude that a certain fact is not a feasibility constraint even if it undermines or influence the success of a (set of) prescription(s) and even if it undermines or influence human beings ability to act in accordance with that (set of) prescription(s). Second, I will argue that they lead to viciously circular arguments for the selection of soft feasibility constraints and that, for this reason, we should not accept them. That is to say, by selecting soft constraints through normative criteria we could maintain that a fact *is* and *is not* a soft constraint depending on the normative theory we adopt. Therefore, I will conclude that normative criteria are not adequate to select soft feasibility constraints

In the fourth chapter, I will consider a practical criterion for the selection of soft constraints. This criterion selects soft constraints paying attention to the influence that certain facts have on the *success* of certain prescriptions. Although it needs some refinements, I will show that this criterion is consistent with the commonly accepted definition of feasibility and with my own definition of feasibility. Therefore, I will consider it adequate to select feasibility constraints. Thanks to this criterion, I will

criticize one of the main tenets of the literature about feasibility. That is to say, I will conclude that institutional facts, cultural facts and economic facts should not be considered feasibility constraints since they are not independent from what people want. Hence, I will show that these *social facts*, which are usually and incontestably considered soft constraints, do not matter for the feasibility of normative political prescriptions.

In the last chapter I will propose an answer to the research question.

The chapter is structured in four parts. In the first one, I will refine the previous practical criterion for the selection of soft constraints. In the second part, I will analyse the notion of feasibility and its relation with the notion of *ability*. This step is necessary to understand which facts could indeed affect feasibility. I will hold that those *facts excluding some actions from the agents' option set* and those *facts affecting the agents' ability to be motivated* to perform certain actions could be feasibility constraint. In the third part, I will suggest that *lacking material resources could* exclude some actions from agents' option set. Therefore, lacking material resources could be feasibility constraints. In the fourth part, I will suggest that *frustrated human needs* could influence the agents' ability to be motivated to perform certain actions. Therefore, all those frustrated human needs that influence the agents' ability to be motivated to perform certain actions should be considered soft constraints.

In conclusion, I will hold that facts constraining the feasibility of normative political prescriptions are: first (hard constraints), logic rules, physical laws, biological laws and any other fact undermining the feasibility of a prescription in any place of the world at any time; second (soft constraints), others' motivations, lacking material resources and human needs.

First Chapter

Normative reason for feasibility requirements

Introduction

The tension between *facts of the world* and *normative principles* is a well-known topic in Political Philosophy debate. Criticisms concerning the practical usefulness of normative political prescriptions spring from such a tension. Practical conditions of the world (natural facts, power distributions in political contexts, state of technology and human behaviours in general) seem to constrain the feasibility of those normative systems suggested by philosophers. In other words, normative political theories proposing highly desirable states of world clash with the common sense opinion that considers them *unfeasible utopias* more often than *realistic utopias*. Normative prescriptions seem generally unfeasible in the real world; unfeasibility is a strong limit of prescriptive normative political theories, since they ultimately appear useless or dangerous. Many social scientists and politicians recognise that the *unfeasibility* of ideal worlds promoted by normative political theories is a primary limit. Many people to whom a philosopher ever tried to explain his/her own ideas argue that it is impossible to develop those ‘ideal worlds’ in the real world. Political philosophers have to admit that politicians, political scientist and people in general are mostly right.

Tension between facts of the world and norms is the focus of several philosophical inquiries. It is the focus of the distinction between utopian and realist political theories or between ideal and non-ideal normative political theories. The focus of the debate¹ characterising the distinctions among utopian, realist, ideal and non-ideal

¹ A brief overview concerning the relation between facts and normative political theories includes:
 Cohen, G. A. (2003), “Facts and Principles”, *Philosophy & Public Affairs*, 31: 211-245.
 Cohen, G. A. (2012), “Rescuing Justice from Constructivism and Equality from the Basic Structure Restriction”, in M. Otsuka (ed.), *On the Currency of Egalitarian Justice, and Other Political Essays*, Princeton and Oxford: Princeton University Press, 236-254.
 Estlund, D. (2014), “Utopophobia”, *Philosophy and Public Affairs*, 42(2): 113-134.
 Farrelly, C. (2007), “Justice in Ideal Theory: A Refutation”, *Political Studies*, 55(4): 844-864.

normative political theories is the relationship between facts and norms: the relationship between the *states of affairs as they are* and the *states of affairs as they ought to be*. Thus, it seems there are also good reasons to evaluate normative political prescriptions by virtue of their accordance with facts of the world. However, it is unclear what ‘to be in accordance with the facts of the world’ means. It seems necessary to provide a *feasibility requirement* listing the *practical conditions* that would warrant the successful implementation and maintenance of normative political prescriptions in the real world.

However, to formalise such a feasibility requirement, the primary step is to discover which kinds of facts affect the feasibility of normative political prescriptions. That is the aim of my research. The research question is: Which facts affect the feasibility of normative political prescriptions?

In this preliminary chapter, my aims are first to provide a normative reason to hold that normative political theories should satisfy a certain feasibility requirement; second, sketch a definition of feasibility that could be useful to proceed with further analysis. I will argue that since normative political prescriptions can imply sanctions for people transgressing them, they should be in a certain sense *feasible*. The reason is that it is not morally acceptable to subject to sanctions people that do not act in accordance with a prescription if it is impossible for them to act in accordance with

Gilbert, P. & Lawford-Smith, H. (2012), “Political Feasibility: A Conceptual Exploration”, *Political Studies*, 60(4): 809-825.

Goodin, R. E. (1995), “Political Ideals and Political Practice”, *British Journal of Political Science*, 25(1): 37-56.

Hamlin, A. (unpublished), “Feasibility Four Ways”, available at:

<http://www.socialsciences.manchester.ac.uk/medialibrary/politics/research/workingpapers/mancept/Feasibility%20Four%20Ways.pdf>

Hamlin, A. & Stemplowska, Z. (2012), “Theory, Ideal Theory and the theory of ideals”, *Political Studies Review*, 10(1): 48-62.

Mason, A. (2004), “Just Constraints”, *British Journal of Political Science*, 34(2): 251-268.

Miller, D. (2008), “Political philosophy for Earthlings”, in D. Leopold & M. Stears (eds.), *Political Theory: Methods and Approaches*, Oxford: Oxford University Press, 29-48.

Räikkä, J. (1998), “The Feasibility Condition in Political Theory”, *Journal of Political Philosophy*, 6(1): 27-40.

Stears, M. (2005), “The Vocation of Political Theory Principles, Empirical Inquiry and the Politics of Opportunity”, *European Journal of Political Theory*, 4(4): 325–350.

Valentini, L. (2012), “Ideal vs. Non-ideal Theory: A Conceptual Map”, *Philosophy Compass*, 7(9): 654-664.

that prescription. To facilitate the reader and to have a provisional standpoint to structure this first chapter, I introduce a rough and ‘intuitive’ definition of ‘feasibility’. I will say that a certain prescriptive normative political theory (a certain (set of) normative political prescription(s)) is feasible if and only if human beings subject to that (set of) prescription(s) *can* act in accordance with the prescription(s). This means that feasibility is a requirement of normative political theories demanding that human beings *can* act in accordance with normative political prescriptions. My wish is to be able better to define the meaning of modality *can* and to inquire its implications in the rest of the thesis.

Now, I am going to try to identify the kind of normative political theories in which I am interested. I am going to specify that normative political theories having *prescriptive* ambitions are the object of my research. So, I am going to pay attention to those theories explicitly prescribing *rights* or *duties*, which recommend patterns of actions for human agents. Differently, I do not pay attention to those theories whose aims are conceptual analysis, moral evaluations or descriptions of the world.

Consequently, I am going to introduce the relation between normative political prescriptions and the maxim ‘ought implies can’ (OIC). The OIC analysis will be useful to specify which meaning of the term ‘ought’ is relevant for Normative Political Theory. Thanks to analysis of the term ‘ought as *obligation*’, I hold that a prescription is not a *normative* ‘and’ *political* prescription if it demands actions that human beings *cannot* obtain, given a certain definition of *can*.

Furthermore, through OIC analysis, I argue that the term ‘can’ could assume two meanings: ‘can as being *possible*’ and ‘can as being *able to*’. Although only the first meaning is adequate for the logical validity of the maxim OIC, such a double meaning of ‘can’ is fundamental to move on the analysis of feasibility conditions. So, I am going to argue that normative political prescriptions could satisfy a certain feasibility requirement that takes into consideration both meanings of *can*.

Thanks to analysis of the term ‘can’, I am going to specify the previous definition of feasibility. I am going to conclude this chapter, claiming that feasibility is a requirement of normative political theories demanding that it *be possible* for human beings to act in accordance with a prescribed (or forbidden) way; *or* that human

beings *be able* to act in accordance with a prescribed (or forbidden) way. In other words, normative political theory (or a certain normative political prescription) is feasible if and only if it is *possible* for human beings to act as it is prescribed (or forbidden) 'or' human beings are *able* to act as it is prescribed (or forbidden). This last definition of feasibility leads to the analysis of feasibility constraints.

Prescriptive political theories

To define the boundaries of my research, I try to delineate the kind of normative political theories in which I am interested, namely, *prescriptive normative political theories*: those normative political theories aiming to provide a (set of) normative political prescription(s). Hence, I pay attention to theories that attempt to fulfil a prescriptive task.

Normative political theories do not necessarily have the ambition to provide prescriptions; they could pay attention to conceptual analysis, normative evaluation or description of the world². Roughly summing up, in the first case, the goal of normative political theories is to clarify meanings and boundaries of values and social and political facts. For example, such theories inquire as to the meaning of terms such as *freedom, equality, justice, free will* and so on. In the second case, normative political theories provide standards to test the desirability of certain actual or hypothetical institutional settings. For example, they provide the standard by which to measure the degree of freedom of certain political systems or they provide standard of justice. In the last case, normative political theories aim to provide a normatively conscious description of political systems or societies. Especially in the non-analytic tradition, political theories try to describe political systems, and they purpose moral judgement about procedures and practices typical of those systems that they describe.

² For a more adequate overview about tasks and methods of Political Theory see also: List, C & Valentini, L. (2014), "Political Theory", SSRN Electronic Journal, available at: <http://www.eprints.lse.ac.uk/63741/>

Of course, there could be an overlap between tasks and scopes of certain normative political theories. A theory trying to fulfil a certain task (to provide a conceptual analysis or to purpose evaluative standards or to describe a state of affairs) could indeed say something regarding the other tasks. However, here I want to underline that these tasks are *non-prescriptive* tasks, since none of these tasks aims to prescribe actions that people ought to obtain³. Non-prescriptive tasks relieve scholars from the responsibility of producing prescriptions that could entail rules of people behaviours: rules that necessarily must satisfy a certain feasibility requirement (as I am going to hold later on) as well as desirability requirement.

Prescriptive normative political theories have to be both *desirable* and *feasible*. Where *desirability* is the requirement of political theories demanding that normative political prescriptions are normatively adequate⁴, *feasibility* is the requirement of normative political theories demanding that normative political prescriptions can be *implemented* and *maintained* in the real world. Formalising prescriptive theories, scholars should respect both these requirements, even if (unfortunately) these requirements are mostly in tension with each other. That is to say, trying to formalise a highly desirable set of prescriptions, some theories could be unable to satisfy the feasibility requirement. For instance, highly desirable theories could demand impossible actions of people. In this case, we would conclude that those theories are ‘utopian’, even if it would be highly desirable to live in a world in which people

³ A theory devoted to non-prescriptive task ‘lacks’ the strongest reason to be sensitive to feasibility: the potential coercibility of its purposes.

Probably someone could hold that an evaluative standard of desirability that does not pay attention to the feasibility of its parameters is not useful to evaluate currently implemented institutional settings. That is to say, if a normative standard suggest that the state of affair *x* is not desirable, but this standard does not take in consideration any element of feasibility; someone could argue that the standard is inadequate to judge institutional settings because institutional settings have to face with practical problems. This is true, but even if an evaluative standard is not sensitive to the feasibility requirement, it has not direct practical implications. So, it does not imply a possible coercible changing of the life of people. If our evaluative standard is totally un-sensitive to feasibility and it say to us that ‘*democratic systems are not desirable*’, the standard itself does not imply any prescription of alternative political system. So, it has not the normative force to influence the life of people. In this sense, there is not a strong argument to hold that such a standard should be sensitive to feasibility
Later on, I am going to underline the connection between coercibility and normative political prescriptions.

⁴ Pasquali, F. (2012), *Virtuous Imbalance Political Philosophy between Desirability and Feasibility*, Farnham: Ashgate. p. 42

follow those prescriptions. On the contrary, trying to formalise a set of highly feasible prescriptions, some theories could be unable to satisfy the desirability requirement. For instance, highly feasible theories could prescribe states of affairs similar to an undesirable currently existing one. Of course, such prescriptions would be highly feasible, but they would also be highly undesirable. In both cases, one requirement would be unsatisfied. That means that a potential tension exists between the convenience (and in some regards, the necessity) to obtain feasible prescriptions and the ambition to obtain highly desirable prescriptions⁵. Therefore, accepting the challenge of the prescriptive task, political theorists should find a balance between the desirability and feasibility of their prescriptions⁶.

Such a tension between desirability and feasibility could be moderate in non-prescriptive theories: for instance, an evaluative standard might pay attention only to the dimension of desirability (being a standard of desirability). However, it does not seem usual to split *normative political theory* from its *prescriptive task*, and above all, it does not seem appropriate.

Political philosophers often aim to provide prescriptions about desirable rules and states of the world. More importantly, it does not seem appropriate that political philosophers abandon their prescriptive ambitions. Given that in any case our lives are ruled by prescriptions, it is much better if they are normatively justified. Since political philosophers can provide normatively justified prescriptions, they should not discharge the prescriptive task or the responsibility to suggest how we ought to act. Therefore, political philosophers *try* and *ought to try* to suggest normative political prescriptions. These prescriptions could imply laws in the future; that is why political theorists should take feasibility concerns seriously.

My research pays attention to the feasibility conditions of those theories that include a (set of) normative political prescription(s), where normative political prescriptions

⁵ Ibidem, p. 47

⁶ To find a balance between desirability and feasibility is the main aim of those contributors trying to provide rules to achieve *trade-off* of values, principles and institutional settings or purposing analysis of the *second best* institutional setting. For an introduction of trade-off and second best analysis see: Goodin, R. E. (1995), "Political Ideals and Political Practice", *British Journal of Political Science*, 25(1): 37-56.

are propositions that explicitly state certain rights and implicitly state certain duties or propositions that explicitly state certain duties. So, I maintain that normative political prescriptions state rights and duties of human beings, and by doing so, they *demand* that people perform certain actions.

Propositions of rights and duties usually have the forms: i) '*individual k has the right x*'. Explicitly meaning that all individuals having the *k*-feature have the *x*-right and implicitly meaning that any individual *k* and non-*k* have the duty to respect the *x*-right of other *k* individuals; ii) or '*individual j ought to do y (have the duty y)*'. Explicitly meaning that all individuals having the *j*-feature have the *y*-duty.

Given their prescriptive content, these propositions demand that certain human beings perform certain actions. The *demanded* actions can be *recommended* by the content of the proposition itself; or, they can be *inferred* from the content of the proposition to make those rights and duties effective.

In this thesis, I maintain that an action is *recommended* by a prescription when it is an implicit or explicit duty included in the content of that prescription. For instance, the content of the prescription 'you ought to do A in circumstances C' explicitly *recommends* that you have the duty to perform the action A in circumstances C. In the same way, the content of the prescriptions 'I have the right A in circumstances C' implicitly recommends that you have the duty to perform only those actions which respect my right A in circumstances C.

Furthermore, any of those prescriptions recommending duties and rights could demand different actions that certain agents should perform in order to *make effective* those rights and duties. For instance, the prescription 'I have the exclusive right A' could demand some actions to make effective that right; these actions are not recommended in the content of the prescription, but they are still demanded. For example, the right A might require a police organisation that secures that nobody violate my right A. The *implementation* and *maintenance* of that police organisation need that someone performs a certain set of actions which are not included in the content of that prescription: these actions are necessary to make the right effective. To evaluate the feasibility of a certain prescription, means to evaluate the feasibility

of both kinds of demanded actions: those actions recommended in the content of the prescription; those actions necessary to make the prescription effective.

Political prescriptions and 'oughts implies can'

Given the tension between facts of the world and norms, normative political prescriptions should satisfy a certain *feasibility requirement*. So, normative political prescriptions should conform with facts of the world. Anyway, I did not show the reasons to hold it. For which reasons, normative political prescriptions should satisfy a feasibility requirement? Why is it opportune?

In order briefly to summarise the reasons to hold that normative political prescriptions should satisfy certain feasibility requirements, it is necessary again to consider the prescriptive ambitions of normative political theories. Normative political prescriptions are propositions purposing rights and duties. By purposing rights and duties, normative political theories prescribe the ways in which human beings *ought* or *ought-not* to act in relation to other human beings (and in relation to the 'external world' in general): these can give rise to laws. Given that any political system has a set of coercible laws and normative political prescriptions can give rise to laws; it seems plausible that normative political prescriptions can rule the actions of human beings. Such a prescriptive task makes normative political theories much more sensitive to the feasibility issue. Prescribed rights and duties have to be feasible in order to be justified, because a theory demanding actions that just saints and aliens could perform seems to be inadequate to rule the life of human beings. So, feasibility seems to be a requirement for normative political prescriptions, if these prescriptions want to have *political* value.

As Nagel writes: '...political theory...differs from ethical theory in arguing not just for certain forms of *voluntary conduct* but for *acceptance of the authority of institutions over which the individual may have little personal control* and which

may do things that he would not have chosen, even if he had stuck his ethical principles'⁷.

Roughly, my argument is this: given that normative political prescriptions can imply sanctions, it is necessary that people can perform those actions that prescriptions demand. Using a Kantian vocabulary, I could suggest normative political prescriptions should satisfy some specification of the maxim '*ought implies can*' (OIC). For this reason, the OIC maxim is taken into consideration by any analysis aiming to draw the set of feasibility conditions.

I try to clarify the meaning of this maxim in relation to Normative Political Theory and I try to show its function in my research. In particular, I try to specify the meaning of the terms 'ought' and 'can' in a manner useful for my thesis. At the end of this brief (and probably hurried) analysis, I will hold that a prescription can exist in the hypothetical *set (or world) of normative political prescriptions* only if it demands actions that *can* be obtained by human beings. Thus, I will hold that a certain specification of OIC drives the research of feasibility conditions. In particular, I will show that the term 'can' could have a double meaning: 'can as possible' or 'can as being able'. So, I will maintain that in order to understand what does it mean 'to be possible to act in accordance with a prescription' and 'to be able to act in accordance with a prescription', it is necessary proceed with a more accurate inquiry of feasibility.

The debate about OIC is explored especially in moral philosophy and philosophy of language. Several authors⁸ do not accept the validity of this maxim or they accept it only by adding some specifications. Criticisms are often related to the definitions of terms 'ought', 'implies' and 'can'. So, in order to understand the meaning of such a maxim it is necessary to clarify the meaning of its terms.

⁷ Nagel, T. (1989), "What makes political theory utopian?", *Social Research*, 56(4): 903-920.

⁸ See: Sinnott-Armstrong, W. (1984), "'Ought' Conversationally Implies 'Can'", *The Philosophical Review*, 93(2): 249-261; Stern, R. (2004), "Does 'Ought' implies 'Can'? And Did Kant Think It Does?", *Utilitas*, 16(1): 42-61; Stocker, M. (1971) "'Ought' and 'can'", *Australasian Journal of Philosophy*, 49(3): 319-340.

Anyway, my aim is not to understand if OIC is an acceptable principle in any disciplinary field or in any circumstance of life. My interest is just to understand if and how OIC is an acceptable principle for prescriptive normative political theories. In other words, I will try to show that OIC is a maxim that i) normative political prescriptions should conform with a certain specification of OIC, because politically enforceable rights and duties require the possibility of being satisfied in order to exist; ii) OIC and in particular the double meaning of ‘can’, inspires research on the feasibility conditions of normative political prescriptions.

In order to specify the aim of this section, I suggest to move from a definition of ‘*ought implies can*’. Thus, I say that given OIC: if x is a duty (obligation) for i , then i can satisfy x . Let us proceed with the specification of the term ought as obligation first.

‘Ought’

The maxim ‘ought implies can’ has been subject to different interpretations, two of the most usual interpretations depend on the meaning of the term ‘ought’. In the literature, it is possible to distinguish between a *strong* meaning of OIC and *weak* meaning of OIC. The strong meaning of OIC is related to a definition of the term ‘ought’ that includes any *moral duty*. Given this definition of ‘ought’, the maxim would state: ‘if m is a moral duty for i , then i can satisfy m ’. Accepting this meaning, we accept that any moral duty does exist only if agents can satisfy it.

The weak meaning of OIC is related to a definition of the term ‘ought as *obligation*’. So, those normative duties implying blame, sanctions or punishment for transgressors. Given this definition of ‘ought’, the maxim would state: ‘if o is an obligation for i , then i can satisfy o ’. Accepting this meaning, we accept that an obligation (which implies sanctions or blame) does exist only if agents can satisfy it. The usual argument to avoid the use of the strong term of ought is that accepting it, we should concede that any moral duty that agents cannot satisfy (whatever the reason) is not a moral duty for those agents. Even if the strong meaning of OIC

would offer us a comfortable argument to justify our immoral behaviours, accepting its validity, moral principles would become sensitive to improper ‘relativisation’. In fact, accepting the strong meaning of OIC we could exclude the existence of moral duties that cannot be satisfied by human beings *here* and *now*. However, intuitively, we can think that some moral duties there exist even if we human beings cannot satisfy them in this moment. In other words, if x is a morally right action, it is morally right even if people cannot perform x .

For example, let us consider the moral principle ‘*you ought to provide food to everyone who needs it*’; of course, we cannot (individually) provide food to everyone who needs it. If you believe that ‘to provide food to everyone who needs it’ is morally right, however, you are not required to consider the moral principle wrong or non-existent simply because no one can satisfy it. The point is that the principle still remains a moral principle for you. Hence, moral duties seem to be principles that exist independently of the possibility of being satisfied⁹.

Despite an interest in analysing the relation between OIC and moral duties, I will avoid such analysis here. It is not my intention to argue whether or not the strong meaning of OIC is valid. I can avoid such analysis because normative political prescriptions are not moral duties or they are particular moral duties. One of the most relevant features of normative political prescriptions is that they can imply coercible obligations. That is to say, normative political prescriptions define rights or duties that can imply coercible *laws*: obligations by virtue of which human beings transgressing them can be considered guilty and can be subject to sanctions. So, given that my aim is to analyse the practical conditions of this kind of rights and duties, I think it is sufficient to show that we should accept a certain interpretation of the weak meaning of OIC.

Lawss that can be implied by normative political prescriptions are clearly obligations referred to one or more agents. Such obligations usually imply a *legitimate coercive*

⁹ Let us suppose that we are hardly catholic and we believe that ‘save the humanity’ is a moral principle. However, we believe that just God is able ‘to save humanity’. So, just God is able to satisfy the moral principle. That moral principle will remain a moral principle even if we are not able to satisfy it.

sanction for their transgressors. So, we can assume that coercibility is one of the main features of *laws*¹⁰.

Given the coercibility as one of the main features of laws, we can accept that laws should demand behaviours that human beings can obtain. In fact, if we do not accept the weak meaning of OIC, it would be the case that ‘people are subject to sanctions even when they did not perform actions that they could not perform’. However, intuitively this implication is morally unacceptable. That is to say, it seems to be morally unacceptable to sanction people because they did not perform actions that they could not have performed. So, given the feature of coercibility, the legitimate existence of a certain law depends also on the possibility that human beings subject to that law *can* act in a way that satisfies it. Therefore, laws, being coercible obligations, do legitimately exist only if they can be satisfied (given a certain definition of *can*).

For instance, let us assume an Orwelian law such as ‘any fellow citizen must read the mind of other fellows or strangers in order to protect the society from dangerous intentions’. Of course, no one can act in accordance with this law since it is not possible ‘to read’ the mind of others. If we would not accept the weak meaning of OIC, we should accept that this law could legitimately exist.

This argument shows that *laws* should deal with a certain specification of OIC. However, it does not show that *normative political prescriptions* should deal with a certain specification of OIC. So, I still need to explain the reasons to hold that *normative political prescriptions* should deal with OIC, too. Furthermore, I have to explain which specification of *can* I should adopt. I will discuss the term *can* later on. Now, I wish to show that normative political prescriptions, too, imply *can*; and they imply *can* by implying possible laws. So, rights and duties stated by normative political prescriptions aim themselves to rule human actions. For this reason, I think that in order to exist, also normative political prescriptions should demand behaviours that human beings ‘can’ obtain (given a certain definition of ‘can’).

¹⁰ Despite coercibility is not considered a *necessary* feature of laws anymore, it is still a feature that very often occurs and it has important implications for the stability of laws

Formally the argument is the following one: i) if a normative political prescription x there exists (in a hypothetical set of all normative political prescriptions), then a law $rl-x$ there exists (in a hypothetical set of all laws); ii) if it is possible that a law $rl-x$ there exists, then human beings subject to that law $rl-x$ can act in way that satisfies the law $rl-x$; iii) if human beings subject to law x can act in way that satisfies the law $rl-x$, then these human beings can act in a way that satisfies the normative political prescription x ; iv) therefore, if a normative political prescription x there exists, then human beings subject to x can act in a way that satisfies that normative political prescription x .

Premise i) means that a certain normative political prescription *implies* a certain law. That is to say, for any normative political prescription existing in a hypothetical set of all normative political prescriptions a (set of) of law(s) *deduced* from that normative political prescription do exist in a hypothetical set of all laws. Premise ii) means that a certain (set of) of law(s) does exist (in a hypothetical set of all laws) only if human beings can act in accordance with that (set of) of law(s). As I have already shown, the reason is that given the coercibility of laws, the fact that human beings can act in way that satisfies the law is a necessary condition for the existence of that law. On contrary, we would have morally unacceptable consequences. Premise iii) means that by definition, in the same moment in which human beings can act in a way that satisfies the law; they can act in a way that also satisfies the normative political prescription from which the law is deduced. The conclusion iv) means that a certain prescription x belongs to a hypothetical set including all *normative political prescriptions*, only if human beings can act in a way that satisfies x .

In the same way, by implementing and maintaining a (set of) normative political prescription(s) in a certain context through the enforcement of laws, we should be sure that human beings inhabiting that context *can* perform the actions that those laws and normative prescriptions demand.

The argument is the following one¹¹: i) if a (set of) normative political prescription(s) x is implemented and maintained in a certain context, then a (set of) law(s) $rl-x$ is enforced in that context; ii) if a (set of) law(s) $rl-x$ is enforced in a certain context, then human beings inhabiting that context and subject to that (set of) law(s) $rl-x$ *can* act in way that satisfies $rl-x$; iii) if human beings subject to law $l-x$ can act in way that satisfies the law $rl-x$, then these human beings can act in a way that satisfies the (set of) normative political prescription(s) x ; iv) therefore, if a (set of) normative political prescription(s) x there exists, then human beings subject to x can act in a way that satisfies that (set of) normative political prescription(s) x .

Premise i) means that in order to implement and maintain a (set of) normative political prescription(s) *it is necessary* to enforce a certain law. Premise ii) means that a certain (set of) law(s) should exist in a certain context only if human beings subjected to it can act in accordance with that (set of) law(s). As I have already shown, the reason is that given the coercibility of laws, the fact that human beings can act in way that satisfies the law is a necessary condition for the existence of that law in that context. On contrary, we would have morally unacceptable consequences. Premise iii) means that by definition, in the same moment in which human beings can act in a way that satisfies the law; they can act in a way that also satisfies the normative political prescription from which the law is deduced. The conclusion iv) means that a certain prescription x can be *implemented* and *maintained* in a certain context, only if human beings inhabiting that context can act in a way that satisfies x .

An example helps to understand this argument.

Let us suppose that somewhere in the world there exists a politically independent city-state and that such a city-state is characterised by theocratic institutions. Let us

¹¹ The argument is sound only assuming that it is necessary to enforce of rules implying sanctions in order to implement and maintain normative political prescriptions in a certain context (first premise). It is unsound if we suppose that we can (in certain circumstances) implement or maintain a (set of) normative political prescription(s) without enforcing coercible rules (for instance by persuading people to act in certain ways). I think that in some cases it is possible to implement and maintain normative political prescriptions in a certain context without enforcing coercible rules. Therefore, the argument is logically unsound. However, I think it is still a good argument since in the wide majority of cases normative political prescriptions are implemented and maintained in certain context by enforcing coercible rules.

call the city-state God-land. Let us suppose the main political authority of God-land is the God-Grand-Vizier. Let us suppose that the God-Grand-Vizier wants to apply the moral prescriptions of the Goddist Holy Writ as if they were political prescriptions. So, let us suppose that in the Holy Writ, God (the God of Goddist) is described as a very fat and greedy transcendent entity, an entity that needs to eat one hundred cows per week. Then, let us suppose that one of the Goddist precept dictates that *'every one ought to satisfy God's needs'*. So, let us assume that the Gran-Vizier would like to formalise a political prescription G to conform with the moral precept. So, he formalises a normative prescription such as *'God has right to everything s/he needs. Therefore, any God-Land fellow ought satisfy God's food needs'*. Then, the Gran-Vizier includes G in God-Land constitutions (G becomes a constitutional principle). Now, let us finally assume that the Gran-Vizier deduces a law $g1$ from the normative prescription G . $g1$ prescribes that *'any citizen of God-land ought to sacrifice one cow per month'*, in order to warrant that God can eat one hundred cows per week. However, let us suppose that it would not be possible to satisfy $g1$ because there are few cows in God-Land.

Let us assume that the citizens of God-Land cannot perform those actions that are necessary to satisfy the rule $g1$ because they have not enough cows. If we accepted that neither the laws, nor the normative political prescriptions have to follow the maxim OIC, then it would be morally acceptable that the Gran-vizier prescribes these norms and he could sanction God-Land citizens if they do not satisfy $g1$ and G . In other words, in the case that nobody *can* respect the rule $g1$, everyone should be subject to sanctions for transgression. However, this conclusion does not seem morally acceptable: it clashes with our moral intuitions (or at least it clashes with my moral intuitions), namely, nobody should be sanctioned to have avoided acting in accordance with an obligation in case s/he cannot act in accordance with that obligation. In addition, if $g1$ were the only law that the Gran-vizier should deduce from G , then it would be impossible to satisfy G too. Therefore, G would not be a normative political prescription: that is to say, G would not exist in a hypothetical set of normative political prescriptions.

Thus, it seems possible that *both normative political prescriptions and laws should respect a certain definition of the maxim OIC*. This is not yet a necessary conclusion. In fact, an alternative conclusion could be laws necessarily should respect OIC, but normative political prescriptions should not necessarily respect OIC.

I argued that laws should respect OIC because they are coercible prescriptions, but normative political prescriptions are not directly coercible. Or at least, *coercibility* is not a primary characteristic feature of normative political prescriptions. Coercibility is just a potential feature of normative political prescriptions. So, why is it necessary that *normative political prescriptions* respect OIC?

Let us suppose that *g1* is not the only law that Gran-vizier can deduce from *G*. So, let us suppose that Gran-vizier deduces a certain law *g2* that respects OIC. In addition, we should maintain that the normative political prescription *G* still does not respect OIC. In this case it seems that we can concede that the rule *g2* of law does respect OIC while the normative prescription *G* does not; furthermore, it seems this does not lead to morally unacceptable consequences since people are obligated to conform just to the law (which implies ‘can’).

Then, the principle *G* implies the law *g2*, which respects OIC. For instance, let us assume that the Gran-Vizier deduces a law *g2* such as ‘*citizens of God-Land ought to sacrifice whichever animal in order to provide to God seventy-thousand kilograms of meat per week*’. Let us assume that there are some whales in the ocean next to God-Land. So, killing a whale per month (or more), citizens of God-Land can satisfy *g2*. In that case, the satisfaction of *g2* seems to be possible and we can say that citizens *can* satisfy it. In this case, could we hold that citizens can satisfy the law *g2*, but they cannot satisfy the normative political prescription *G*? If *g2* has been correctly deduced from *G*, could it be true that ‘*citizens can pay the sacrifice to God but they cannot satisfy God’s need for food*’? I do not think so.

Assuming that a certain normative political prescription implies a certain law, the feasibility of the law necessarily determines the feasibility of the normative political prescription. In the moment in which a certain law correctly deduced from a normative principle can be satisfied, then the normative prescription itself can be satisfied thanks to actions that conform to the law. By killing a whale per month,

citizens of God-Land satisfy God's food needs, then they satisfy the normative prescription.

As the third premise states: '*if human beings subject to law x can act in way that satisfies the law x, then these human beings can act in a way that satisfies the normative political prescription x*'. Given that we supposed that *g2* was correctly deduced from *G*, in the moment in which citizens *can* satisfy *g2*; then citizens *can* satisfy *G*.

Therefore, accepting all the premises I conclude that if normative political prescription *G* exists (is implemented and maintained) in God-Land, then certain God-Land inhabitants *can* behave in a way that satisfies that normative political prescription: given a certain definition of term *can*¹².

¹² Stocker, M, 'Ought' and 'can', Australian Journal of Philosophy, 1971, 49:3, p. 314 argues that the maxim 'ought implies can' is falsified by a counterexample even when it refers to 'blameworthy obligations'. In other words He holds that there exist cases in which a certain person cannot satisfy a certain duty that she ought to satisfy, but it seems to be right to sanction her even if she could not perform the actions that she ought to perform. These are the specific cases of *culpable inability*. In these cases, the duty bearer's *inability* to act in accordance with her obligation is given by previous and voluntary actions of the duty bearer.

The case can be synthesized in the following way. Let assume that given a certain obligations implying blame of transgressors an individual I has to perform the action a-x in circumstance C. Let us suppose that the circumstance C will occur in the future time t1 and I knows it at t0. However, I perform certain actions at t0 knowing that performing those actions at t0 she could not perform the action a-x at t1 (hence, she knows that performing the those actions at t0 she knows that she cannot satisfy the obligation at t1). The duty bearer (I) consciously and voluntary act in certain ways in t0 and these behaviors preclude the possibility that duty bearer behave in accordance with her obligation at t1. Stocker underlines that the agent freely chooses her previous actions and she is also conscious about the implications of these actions (she is conscious about the fact that cannot satisfy her obligation if she will behave in that ways). So, the agent is responsible of these actions and of these implications. Therefore, the agent remains blameworthy (or subject to sanctions) to having transgressed the obligation at t1, even if she could not satisfy it.

In the case of my example, let us suppose that in order to satisfy *g1*, everyone should bring one cow to the taxes office of God-Land by 10.00 AM of Friday. However, let us suppose there has been a one-month party in God-Land and citizens killed and ate any cow during the celebrations. So, let us suppose that citizens cannot pay the tax *g1* because of their previous conscious and voluntary actions. In this case, Stocker holds that citizens are still obliged to satisfy *g1* at 10.00 AM of Friday. So, the obligation still exists and it implies sanctions. In this case, it seems that it is morally acceptable that God-Land inhabitants be subject to sanction because they transgressed an obligation that they were able to satisfy.

I accept this counterargument. Hence, defining the meaning of *can* and analysing the conditions under which we say that an obligation cannot be satisfied; we should avoid considering *culpable reasons* that make impossible to satisfy an obligation. In this sense, *culpable constraints* of actions should not be considered feasibility constraints. Where culpable constraints are facts making impossible to perform a prescribed action; and they are facts that emerging from human beings' conscious actions even knowing that they would made impossible to satisfy a certain obligation.

In conclusion, here I held that: i) if x is a normative political prescription (if it exists in a hypothetical set of all normative political prescriptions) then human beings in general can act in accordance with x ; ii) if x is a normative political prescription implemented and maintained in a certain context (if it exist in a certain context), the context-inhabitants can act in accordance with x .

Can

Thanks to analysis of the term ‘ought’, I hold that those rights and duties stated by normative political prescriptions are potentially coercible. Normative political prescriptions are potentially coercible because it is possible that they imply laws, which are coercible. Hence, normative political prescriptions are coercible when they are enforced by laws. Because of the ‘indirect’ coercibility of normative political prescriptions, it seems opportune that they demand actions that human beings *can* perform, given a certain definition of *can*. It is difficult to define *can*, but it is useful in order to address the analysis of conditions of feasibility.

In this brief paragraph, I try to introduce two different meanings of the term ‘can’: the first meaning is ‘can as being possible’; the second meaning is ‘can as being able to’. These two definitions of ‘can’ often occur in the literature about feasibility and are sometimes used interchangeably. Here my aim is clearly to distinguish them. I will conclude this chapter accepting that both of them could play role in the inquiry about feasibility conditions (even if just the first meaning is logically adequate to characterize the maxim OIC). In the next chapter, I will show that the double meaning of *can* enables me to provide a more complex feasibility requirement: a feasibility requirement that pays attention to different kinds of feasibility constraints with different implications. So, this double definition of ‘can’ is important in order to start the analysis about the conditions of feasibility of normative political prescriptions. The reason is that the two definitions of ‘can’ pave the way for two

different sets of feasibility constraints. Precisely, I will hold that a set of constraints conforms to the definition of ‘can as being possible’ is the subset of the set of constraints conforms to the definition of ‘can as being able to’. That is to say, all those facts undermining the possibility to act in accordance with a prescription also affect the ability of human beings to act in accordance with that prescription. However, not any fact affecting the ability of human beings to act in accordance with a prescription undermines the possibility to act in accordance with that prescription. The first meaning of can that I consider is ‘*can as being possible*’. Where, ‘being possible’ means ‘being *metaphysically* and *physically* possible’. Given this definition, human beings ‘can’ perform certain actions if and only if it is ‘possible’ to perform those actions. So, applying this definition to the outcomes of the inquiry about OIC, I could state that ‘*a normative political prescription does exist if and only if it is possible for human beings to act in accordance with that prescription*’. The second meaning of can is given by the definition of ‘can as being able to’: human beings ‘can’ perform certain actions if and only if they are able to perform those actions. So, applying this definition to the outcomes of the inquiry about OIC, I could state that ‘*a normative political prescription does exist only if human beings are able to act in accordance with that prescription*’.

In my opinion, the first definition of ‘can’ is adequate for the maxim OIC. That means, a normative political prescription does exist into a hypothetical set of all normative political prescriptions, even if it demands behaviours that human beings are unable to perform, but that are still possible to perform for human beings.

In the next chapters, I will show that such a definition of ‘can as being possible’ is useful to distinguish a set of all *hard* feasibility constraints. That is to say, the notion of *possibility* pushed scholars to find out those constraints that would make *impossible* to act in certain prescribed ways *in any place of the world and at any time*. Given the arguments of the last paragraph, this definition of *can* seems adequately to fulfil the maxim OIC. That is to say, all those prescriptions that are impossible to satisfy do not exist in the hypothetical set of all normative political prescriptions. In fact, if those prescriptions demand impossible actions, then it is

morally unacceptable to sanction someone that does not perform those actions. Therefore, those prescriptions cannot be considered ‘political’.

On the contrary, the definition of ‘can as being able to’ is useful to distinguish a set feasibility conditions huger than the first one. Precisely, the former set of feasibility conditions can be seen as subset of this latter one. Meaning that all those facts that constrain the metaphysical and physical possibility to act in accordance with a prescription also constrain the ability of human beings to act in accordance with prescriptions, but the contrary is false.

The set of constraints affecting ability to perform certain actions includes both *necessary* conditions and *non-necessary* conditions of feasibility. If it is not necessary that a certain prescription conform to certain conditions, it means that the prescription can exist in the hypothetical set of all normative political prescriptions even if it does not respect those feasibility conditions. For this reason, the meaning of can as ‘being able to’ is not appropriate to discover those conditions that would make a prescription impossible and, so far, it is not appropriate for the maxim OIC. Not any conditions of this second set determine the existence of a normative political prescription. Thus, we can conclude that a normative prescription does not exist in a hypothetical set of all normative political prescriptions if it demands actions that are *impossible* to perform.

Anyway, the double meaning of ‘can’ has a sort of inspirational function for the inquiry about feasibility conditions. In other words, considering both meanings of can (‘can as possible’ and ‘can as being able to’), I think I could achieve a more adequate notion of feasibility. In fact, despite just the first definition of ‘can’ is adequate to define the maxim OIC, I think an inquiry about feasibility of normative political prescriptions should accept both definitions.

The reason is that accepting just the first meaning of can (‘can as being possible’), we would not take into consideration some facts that affect the *degree of ability* and the *contextual possibility* that a normative political prescription be satisfied. If everything that is physically and metaphysically possible were *feasible* (without any further distinction and without any further inquiry about conditions of feasibility); then we would not take in consideration all those facts affecting the degree in which

we think agents are able to perform demanded actions. Furthermore, we would not consider those non-metaphysical facts undermining the possibility that certain human beings implement or maintain a certain (set of) prescription(s) in a certain spatially or temporally circumscribed context.

Thus, any (physically and metaphysically) *possible* prescription is feasible. However, if I did not inquire additional conditions of feasibility affecting *contextual feasibility* or *feasibility degree* of prescriptions, I would not have the tools to understand the possibility and probability of implementing a prescription *in a certain context*. In this way, I would lack the tools to understand why a certain prescription does not work in a context even if it prescribes physically and metaphysically possible actions. The consequence would be that I would not have any tool to understand why *people* do not act in accordance with certain prescriptions. Then, I would not be able to understand if they do not act in accordance with the prescribed way because they do not want to or because they are not able to (or if they are lowly able), given their situation. So, we could be tempted to argue that they are subject to sanctions even if it would be *contextually impossible* to act in accordance with that prescription or even if *it would be very difficult to be able* to perform those prescribed actions. Hence, this is the reason to analyse a broader set of feasibility constraints.

Differently, accepting *only* the second meaning of can ('can as being able to'), those prescriptions demanding actions that are *just* metaphysically and physically possible should not be considered 'feasible'. Thus, they could not be considered normative political prescriptions. In this way, I would exclude those normative political theories in which prescriptions are *possible* to obtain even if they demand action that currently human beings are not fully able to perform or that they are able to perform only in some contexts. Using Estlund's vocabulary¹³, I would exclude those *non-utopian but hopeless inspirational theories* from the set of normative political theories. This means that I would exclude all those theories warranting that normative political theory pushes human beings to reach a currently unfeasible state of affairs.

¹³ Estlund, D. (2014), "Utopophobia", *Philosophy and Public Affairs*, 42(2): 113-134.

Given these reasons, during the inquiry of feasibility conditions, I think we should take into consideration both meanings of ‘can’, because by excluding one of them I could obtain an inadequate feasibility requirement. On one hand I would obtain a feasibility requirement ignoring those factual constraints that affect for certain degrees the feasibility of a prescription or that undermine the feasibility of prescriptions only in certain contexts. On the other hand, I would obtain a feasibility requirement too demanding: a requirement inappropriately excluding a large amount of normative political theories that are feasible in certain possible circumstances.

Therefore, I ask to accept the following the definition of feasibility. A (*set of*) *normative political prescription(s)* is feasible if and only if it is possible for human beings to act in the prescribed way ‘or’ human beings are able to act in the prescribed way. So, feasibility is a requirement of normative political theories demanding that it be possible for human beings to act in the prescribed (or forbidden) way *or* human beings be able to act in the prescribed (or forbidden) way.

This definition is a rough one¹⁴. Hence, I will use it just as guideline to address my analysis on feasibility constraints because intuitively it conciliates both meanings of *can*: ‘can as being possible’ and ‘can as being able to’. Fortunately, both meanings of can are usually accepted in the analysis of feasibility. Anticipating the argument, we say that in accordance with the meaning of ‘can’ as being possible’, we can take into consideration a set of constraints determining *whether or not* a prescription is feasible; in accordance with the meaning of ‘can’ as being able to’, we can also take into consideration a set of constraints influencing the *feasibility degree* of a certain prescriptions. Lawford-Smith labels the double meaning of feasibility as ‘*binary feasibility*’ and ‘*scalar feasibility*’.

¹⁴ Probably, the following definition is more sophisticated or refined. Feasibility the capability of normative political prescriptions of being successfully enforced in accordance with human beings’ ability to perform the actions that prescriptions demand. Here feasibility is the capability of being successfully enforced; and such a capability depends on human beings’ ability to perform certain actions. Human beings’ ability includes physical and metaphysical possibility but it is not just the physical and metaphysical possibility.

Second Chapter

Overview on feasibility

Introduction

In the first chapter, I assumed that the feasibility of prescriptions depends on their accordance with adequate *feasibility requirements*. A *feasibility requirement* defines the conditions needed to obtain feasible prescriptions. They could be expressed by a formula such as ‘normative political prescriptions should conform with fact *a* in order to be possible to implement and maintain them. Normative political prescriptions should conform to fact *b* in order to be possible to implement and maintain them in a context C. In addition, normative prescriptions should conform to fact *c* in order that human beings inhabiting C be highly able to implement and maintain them’. ‘To conform to fact *a*’, ‘to conform to fact *b*’, ‘to conform to fact *c*’ are all *feasibility conditions*. While, ‘the fact *a*’, ‘the fact *b*’, ‘the fact *c*’ are the *feasibility constraints*, and the rule that enables us to say that the facts *a*, *b* and *c* are *feasibility constraint* is the *criterion* to select feasibility constraints. Next three chapters are devoted mainly to an analysis of the adequate criterion for the selection of feasibility constraints.

I will show that through an adequate criterion for the selection of feasibility constraints, we can find out feasibility constraints and exclude those facts that do not affect feasibility.

In this part of the second chapter, I am going to introduce the terms used in the literature about the feasibility of normative political prescriptions. Furthermore, I am going to introduce its commonly accepted standpoints. These are necessary steps to analyse the criteria for the selection of soft constraints: an analysis that will be the focus of the next two parts of this chapter.

First, I pay attention to two basic notions regarding feasibility, namely, *stability* and *accessibility* (the literature calls them dimensions of feasibility). I underline that a

(set of) prescription(s) is feasible if and only if it is both accessible and stable. Where: an accessible prescription is a prescription that human beings *can implement* in a context in which it does not exist yet; while, a stable prescription is a prescription that human beings *can maintain over time* in a certain context.

Second, I introduce a list of kinds of facts that are usually considered feasibility constraints. As it is common in literature, I am going to distinguish between *hard* feasibility constraints and *soft* feasibility constraints. The first set of constraints includes the kinds of facts that make some actions impossible to be performed at any time and place in the world. The second set of constraints includes kinds of facts that make impossible to perform certain actions in particular contexts or facts that affect the ability degree of human beings to perform some actions.

It is commonly accepted that the set of hard constraints represents the conditions of universal possibility, while the set of soft constraints kinds of facts are conditions of contextual possibility or probability. This means that if a prescription does not conform to a former set of constraints, it is unfeasible for all human beings and cannot exist in a hypothetical set of all normative political prescriptions. Differently, if a prescription is not in accordance with all or some soft constraints, it is not possible in a certain context to perform the prescribed actions, or it is not probable that human beings (or groups of human beings) are able to perform the prescribed actions.

In order to give an effective understanding of these constraints, I am going to stress the concept of feasibility by introducing the notion of *strict feasibility*: a requirement that normative political prescriptions conform to all hard constraints and all soft constraints existing in a certain context. *Strict practical feasibility requirement* is just an explanatory tool to describe soft constraints and to show which kind of feasibility requirements we should avoid. In fact, I am going to conclude that dealing with such a *strict feasibility requirement*, it would not be possible to obtain normative political prescriptions, the content of which would differ from the *status quo*. If scholars devised their theories and normative prescriptions respecting any fact characterising the current context, they would not be able to provide theories or prescriptions different from the *status quo*. Furthermore, if scholars suggested implementing just

those prescriptions that do not ‘clash’ with all practical constraints currently existing in a certain context, that context could never be characterised by different and more desirable prescriptions. Therefore, if we think that normative political prescriptions different from the *status quo* could be feasible, we should not conform them with the *strict feasibility requirement*.

The introduction of the strict feasibility requirement gives me the opportunity to underline the main problem that research about feasibility tries to solve: *the selection of soft constraints*. Thanks to the strict feasibility requirement, it will be clear that normative political prescriptions should not conform to all facts currently characterising a certain context. So, to deal with soft constraints does not mean to care about any fact currently characterising a context. Hence, we should distinguish between *simple facts* and facts that are *soft feasibility constraints*. In order to shape this distinction, I am going to suggest that it is necessary to find a formal criterion for the selection of soft feasibility constraints. I am going to anticipate that two different kinds of criteria can be devised, namely, normative criteria of feasibility and practical criteria of feasibility. I will treat and criticize these criteria in the next parts of this chapter.

Feasibility dimensions: stability and accessibility

Normative political prescriptions are propositions stating rights and duties. Such rights and duties demand particular actions to human beings subjected to them. Furthermore, I have already shown that these prescriptions can imply coercible obligations: obligations related to coercive sanctions for transgressors. So, in the first chapter, I held that normative political prescriptions should be feasible in some regards since coercible obligations can be deduced from them.

I concluded that a prescriptive normative political theory is feasible if and only if it is possible for human beings to act in accordance with its prescriptions ‘or’ human beings are able to act in accordance with its prescriptions. Such a formula of feasibility leaves open more than one question. Of course, that definition does not specify those conditions warranting that a given action be feasible: namely, it does

not specify *conditions of feasibility*. Second, that definition does not specify the *dimensions of feasibility*. To discover conditions of feasibility (or feasibility constraints) is the primary goal of my thesis, but in order to pursue this goal it is first necessary to distinguish the dimension of feasibility.

Hence, when I say that a normative political prescription ought to be feasible (or must be feasible), I implicitly state that the prescription ought to be both *accessible* and *stable*. Thus, *accessibility* and *stability* are properties of feasible prescriptions. Accessibility and stability are reminiscent of well-known philosophical issues: for example, the accessibility relation between possible worlds, the different kinds of balances of powers warranting the stability of political systems, or the distinction between *stability simpliciter* and *stability for the right reasons*. All these issues are in some regard related to the meanings of accessibility and stability used in the analysis of feasibility. Here, I briefly introduce the 'accessibility relations' between possible worlds because it is essential to understand what accessibility means when we treat the question of feasibility. Then I introduce a definition of stability *simpliciter*.

The 'accessibility relation' is a basic concept in logic and philosophy of language. It is a relation between two possible worlds such as a certain world w' is said to be accessible from a certain world w iff it is possible that a statement that is true in w' be true in w . For example, let assume that the statement '*it will rain tomorrow*' is true in the world w' (so, it will rain in w' tomorrow), the world w' is accessible from w if and only if it is possible that the statement '*it will rain tomorrow*' be true in w . Now, let us consider a possible world in which water cannot exist, call it nw . In this world, the statement '*it will rain tomorrow*' is necessarily false. Then the world w' (in which the statement '*it will rain tomorrow*' is true) is not accessible from the world nw .

Such a definition of the *accessibility relation* plays a meaningful role in the analysis of feasibility. Using the language of possible worlds, to say that '*a certain prescription is accessible*' is equal to say that i) there exists a possible world w' in which that prescription can exist and ii) that possible world w' is accessible from the current world w . For example, to hold that the prescription such as '*we ought warrant basic liberties to everyone*' is accessible means to hold that i) there exist a

possible world in which that prescription does exist and ii) that world is accessible from the current world. A possible world is accessible if it is in some relevant features similar to the current world. These relevant features making accessible a certain world are conditions of accessibility (feasibility): those conditions under which a world is said to be accessible from the current one. I will analyse them in the next paragraphs.

Although the language of possible worlds is highly fascinating, I suggest using the definition of accessibility that is commonly used in the debate about feasibility. So, I suggest that a prescription x is *accessible* if and only if human beings (or a groups of them) *can* move from a state of affairs s_0 in which x does not exist to another state of affairs s_1 in which x does exist. This means that a prescription x is accessible if and only if it is *possible* for human beings to move from a state of affairs s_0 in which x does not exist to a state of affairs s_1 in which x does exist; or human beings (or a group of them) *are (highly) able* to move from a state of affairs s_0 in which x does not exist to a state of affairs s_1 in which x does exist. Rephrasing this definition with the previous formula of feasibility: a prescriptive normative political prescription is accessible if and only if it is *possible* for human beings to move from a state of affairs in which they do not act in accordance with that prescription to a state of affairs in which they act in accordance with the prescribed (or forbidden) way ‘or’ human beings are (highly) able to act in accordance with the prescribed (or forbidden) way.

The concept of stability in Political Philosophy is famously treated by Rawls through the analysis of stability for the right reason. I will clarify in the second part of this chapter that the stability for the right reasons could play a certain inspirational role when we try to define normative criteria for the selection of feasibility constraints. So, I will treat it in the next part of this chapter. For this reason, now I just introduce the notion of stability *simpliciter* (or just stability): that is the notion of stability that I will use in the rest of the thesis.

Here, I mean that a (set of) prescription(s) x is stable if and only if human beings (or groups of them) *can* maintain the existence of x over time. This means that a

prescription x is stable if and only if it is *possible* for human beings to maintain the existence of x over time; *or* human beings (or a group of them) are (*highly*) *able* to maintain the existence of x over time. Where ‘to maintain the existence of a prescription over time’ means that a prescription existing in a context C (space s at time t_0), will exist in context C (space s at time $t_1, t_2 \dots t_n$). Rephrasing this definition in accordance with the previous formula of feasibility, a prescriptive normative political prescription is stable if and only if it is *possible* for human beings to maintain over time a state of affairs in which they act in accordance with the prescription ‘or’ human beings *are able* to maintain over the time a state of affairs in which they act in accordance with the prescription.

A commonly-accepted standpoint in the literature about feasibility is that a prescription has to be both accessible and stable in order to be feasible.

This means that i) a prescription demanding actions that are impossible to perform at any time and place in the world does not exist in hypothetical set of normative political prescriptions; ii) a prescription demanding actions that are impossible to perform for a group of human beings belonging to a certain context cannot exist in that context. This means that it is not accessible or not stable in that context now or in a predictable future. Hence: human beings inhabiting that context cannot move from a state of affair in which there is not that prescription to a state of affairs in which that prescription does exist; or, human beings inhabit that context cannot maintain over the time a state of affairs in which that prescription does exist. Hence, that prescription is not feasible in that context; iii) a prescription demanding actions that all human beings are hardly able to perform is a prescription existing into hypothetical set of normative political prescriptions, but it has a non-full *general* degree of accessibility or stability. So, human beings (in general) do not have a full degree of ability to perform those actions that are necessary to move from a state of affairs in which that prescription does not exist to a state of affairs in which that prescription does exist (independently from the context in which they live). Alternatively, human beings in general have not a full degree of ability to perform those actions that are necessary to maintain that prescription over time

(independently from the context in which human beings live); iv) a prescription demanding actions that a group of human being living in a certain context is hardly able to perform is a prescription that could exist in that context but probably it will not; it has a non-full degree of accessibility or stability. So, human beings inhabiting that particular context do not have a full degree of ability to perform those actions that are necessary to move from a state of affairs in which that prescription does not exist to a state of affairs in which that prescription does exist. Alternatively, human beings inhabiting that particular context do not have a full degree of ability to perform those actions that are necessary to maintain that prescription over time.

It should be clear that when I hold that ‘a prescription should demand actions that human beings (or group of human beings) can perform’, I do not refer simply to those actions that the prescription *recommends*. As I wrote in the first chapter, *demanding* actions include also those actions that are necessary to make effective a prescription. Also those actions that are necessary to move from a state of affairs in which the prescription does not exist to a state of affairs in which the prescription exists should be feasible. Furthermore, the actions implicitly necessary to maintain a prescription over the time should also be feasible.

Precisely, let us suppose we would like to implement a prescription x such as ‘*human beings ought to do x*’: that is a prescription *recommending* to human beings to perform the action $a-x$. Then let us suppose that to move from a state of affairs in which x does not exist to a state of affairs in which x does exist, someone should perform the action $a-y$: an action that is necessary to make x effective in the context C . Then let us suppose that to maintain x over the time, someone should perform the action $a-w$: an action that is necessary to maintain x effective in C . In this case, the actions demanded by prescription x are $a-x$, $a-y$ and $a-z$. Therefore, it is necessary that human beings (or certain groups of human beings) can perform all x , y , w in order to warrant that prescription x be feasible.

For example, let us suppose that we would like to implement a prescription such as ‘everyone has the right to drink water when s/he needs’. In this case, the explicit content of the prescription is that any person is allowed to drink water when s/he needs. It is quite obvious that anyone is able to drink water. So, the action ‘to drink

water' is perfectly feasible. However, let suppose that the implicit duty of this right is that 'we ought to warrant to anyone the opportunity to drink water'. So, let us suppose that there is a context in which in order to warrant that anyone has the opportunity to drink water it is necessary to perform particular actions, actions that people living that context cannot perform. For, example we could suppose that the context is a desert and to warrant the right to drink water, people inhabiting the context should perform the action 'to build a water spring'. But let us suppose that people inhabiting that context *cannot* build a spring. In this case, the prescription is unfeasible not because the recommended action is unfeasible, but because it is impossible to perform the necessary actions to make the prescription accessible. In other words, the prescription is unfeasible because that particular group of human beings cannot perform the necessary actions to implement and maintain the prescription.

Hence, saying that a certain prescription is feasible, means to say that the recommended actions are accessible and stable; furthermore, it means that those actions that are necessary to make effective the prescription are accessible and stable. Being accessibility and stability dimensions of feasibility, their fulfilment depends on the extent to which a prescriptions clashes with feasibility constraints. What I already wrote about feasibility does not tell us anything about feasibility constraints: nothing is being said about those facts constraining the possibility or the human abilities to act in accordance with a prescription or a set of prescriptions.

Conditions of feasibility: hard constraints and soft constraints.

In next two paragraphs, I introduce those kinds of facts that constrain or could constrain the feasibility of prescriptions. More precisely, I show which facts about feasibility are used to consider feasibility constraints in the literature. Despite the formal distinction between accessibility and stability, such literature usually assumes that kinds of facts affecting accessibility of prescriptions are the same kinds of facts affecting the stability of prescriptions. So, I refer simply to feasibility constraints,

without distinguish anymore between accessibility and stability when it is not necessary.

I held that a normative political prescription (or a set of prescriptions) is feasible if and only if it is possible for human beings to act in accordance with that prescription (or set of prescription) ‘or’ human beings are able to act in accordance with that prescription (or set of prescriptions).

Possibility and *ability (degree)* of human beings to perform prescribed actions are given by the accordance between normative political prescriptions and factual constraints. That is to say, the feasibility of normative political prescriptions depends on their accordance with *certain* factual constraints. The table below synthesizes the relations that occur between the extent to which certain facts do exist (universal or general and contextual) and the influence of facts on the two meanings of feasibility (possibility to act/ability degree to act). I maintain that universal facts are facts that characterize any circumstance of the world (and any place in which human beings live and will live) now and in any future; general facts are facts that characterise any or some worldwide spread circumstance now and in a predictable future; contextual facts are facts that characterise a spatially and temporarily circumscribed context in any or some circumstances.

	UNIVERSAL or GENERAL FACTS	CONTEXTUAL FACTS
POSSIBILITY TO ACT	<p>Kinds of Facts X: A prescription <i>j</i> demanding actions that clash with one or some facts belonging to <i>X</i> is a universally unfeasible prescription: it is not possible for any human being to perform actions prescribed by <i>j</i>. So, <i>j</i> cannot exist in a hypothetical set including all possible normative political prescriptions</p>	<p>Kinds of Facts Y: A prescription <i>j</i> demanding actions that clash with one or some facts belonging to <i>Y</i> is a contextually unfeasible prescription: for human beings inhabiting a context characterized by those <i>Y</i>-kind facts, it is not possible to perform the actions prescribed by <i>j</i>. So, <i>j</i> cannot exist in a context in which those facts belonging to <i>Y</i> do exist</p>
ABILITY DEGREE TO ACT	<p>Kinds of Facts W: A prescription <i>j</i> demanding actions that clash with one or some facts belonging to <i>W</i> is a prescription having a non-full degree of feasibility in general circumstances (human beings are not fully able to perform actions prescribed by <i>j</i>). So, <i>j</i> generally has a non-full probability to exist in a human context</p>	<p>Kinds of Facts Z: A prescription <i>j</i> demanding actions that clash with one or some facts belonging to <i>Z</i> is a prescription having a non-full degree of feasibility in certain contexts: human beings inhabiting a context characterized by those <i>Z</i>-kind facts are not fully-able to perform actions prescribed by <i>j</i>. So, <i>j</i> has a non-full probability to exist in that context</p>

The aim now is to define what kinds of facts X, Y, W and Z are. Authors who analyse the issue of feasibility take into consideration two kinds of practical constraints: *hard feasibility constraints* and *soft feasibility constraints*.

Hard constraints usually identified are *logic rules*, *physical laws* and *biological laws*. Soft constraints usually identified are *institutional settings*, *economic arrangements*, *cultural habits*, *human motivations and psychological facts*, *state of technology*¹⁵.

The table below summarises the sets of feasibility constraints and their role in affecting possibility to act or degree of ability to act.

	UNIVERSAL or GENERAL FACTS	CONTEXTUAL FACTS
POSSIBILITY TO ACT	Logic Rules Physical Laws Biological Laws (Human Nature?) (History?) Hard Constraints --> Universal Impossibility	State of technology Institutional Settings Cultural Habits Economic Arrangements Human beings' features (Motivational and psychological facts) Soft Constraints --> Contextual Impossibility
ABILITY DEGREE TO ACT	? Soft Constraints --> Universal Improbability	State of technology Institutional Settings Cultural Habits Economic Arrangements Human beings' features (Motivational and psychological facts) Soft Constraints --> Contextual Improbability

¹⁵ Here I provide some preliminary remarks about the sets of constraints. I will not discuss these specific points anymore. Some authors (Estlund, Nagel) usually include human nature in the set of hard constraints. Given the widely unspecified definition of the term human nature I prefer to avoid it. I think that biological laws can include the biological features of human beings. So, I will say that biological features of human beings are hard constraints. Jensen holds that history is a hard constraint as well. Nonetheless, he does not define in which sense history is a hard constraint. Since when I think that history is a word to refer to the whole set of practical facts, it seems me redundant to separately analyse this constraint. Rääkkä seems to suggest that psychological facts are hard constraints but it is not clear if any kind of psychological fact should be considered a hard constraint. I arbitrarily include psychological facts in the set of soft constraints with some exceptions that I will clarify in the third chapter. Finally, Lawford-Smith suggests that facts implying the impossibility to perform certain actions at any place but in a specific time, should be considered hard constraints. In other words, if a fact constrains the possibility to act in a certain prescribed way in any place at certain specific time, this fact should be considered as hard constraint. Given that I think that this is still contextual case (namely, the action is not possible in the context 'world at time t0' and not in the context 'world at any time'), I think the right name of this kind of fact is soft constraint. But this is merely a terminological question.

Hard constraints and impossibility

I begin by analysing hard constraints and their connection to possibility. In my account, hard constraints belong only to the first cell of the table; in other accounts (as in Gilabert and Lawford-Smith account) they belong also to the second cell. I consider hard constraints those facts that undermine the universal possibility to implement and maintain prescription. While other authors think that those facts undermining the possibility to implement and maintain certain prescriptions in certain circumscribed context are also hard constraints. In this paragraph, I consider just those constraints belonging to the first cell.

I briefly describe the hard constraints already mentioned. Logic rules: a prescription x must be *logically consistent* in the sense that it must be valid and true in accordance with logic rules. For example, a prescription demanding to people to do both the action a and the action $non-a$ is demanding a *logically impossible action*. So, it is unfeasible at any time and place in the world. Physical laws: prescription x must respect *physical laws* in the sense that it must demand actions that are in accordance with physical laws. For example, it should be stated in accordance with physics of particles, and a prescription demanding to people to create aubergines from the vacuum is *physically impossible*. So, it is considered unfeasible at any time and place in the world. Biological laws: prescription x must respect *biological features* of the world in the sense that it must demand actions that are in accordance with biological limits. For instance a prescription demanding to warrant an infinite life to human beings is biologically impossible. So, it is considered unfeasible at any time and place in the world.

Hard constraints are conditions of impossibility; it is logically and physically impossible to perform actions violating these kinds of facts. Given that all human beings live in worlds governed by these facts, prescriptions that do not conform to these facts demand actions that are impossible for human beings at any time and

place that human beings could inhabit¹⁶. So, I claim that each prescription that is not conform with such constraints is not a normative political prescription, given that it is impossible for any human being in any place and at any time to act in accordance with such a prescription.

Let us suppose that a normative political prescription does not conform to one of these constraints. For example, let us suppose that in order to preserve the current state of affairs, a hyper-conservative argument justifies the desirability of the prescription *c* that demands: '*we ought to fix the mater in a way avoiding any further transformations of it*'. In this case, we should not say that we are not able to fix the matter but we should say that in accordance with Lavoisier's laws, it impossible to do it. So, in any possible world (any world in which human beings could live) this prescription is unfeasible, independent from future improvement of technology. Now, let us suppose that we decide that *c* is still a normative political prescription, despite it being impossible to perform the action it recommends. Given that from any normative political prescription we can deduce a law (see the first chapter), if this prescription was a normative political prescription, it would be possible to deduce a law from it. Consequently, it would be possible to punish people that do not perform a physically impossible action. In order to avoid this conclusion, I suggest that prescription *c* should not be considered a normative political prescription. In other words, prescription *c* does not exist in a hypothetical set of all normative political prescriptions.

Thus, it is commonly accepted that hard constraints define actions that are impossible to perform for human beings at any time and place in the world; I add that these constraints define what matters as normative political prescription and what does not matter as normative political prescription. Hence, if a prescription is not conforming to hard constraints, it is not feasible; if it is conforming, it is feasible¹⁷. If a prescription is not impossible, it can exist in a hypothetical set including all normative political prescription.

¹⁶ Someone could argue that human beings could live in worlds in which nomological laws are different, but in this case I think that the burden of proof is on her.

¹⁷ Gilabert and Lawford-Smith call this position *binary feasibility* assuming exactly that a prescription is feasible or non-feasible, given its compliance with the hard constraints above.

Any author analysing the question of feasibility accepts this set of constraints and the idea that all those prescriptions demanding actions that would clash with these constraints are not possible (are unfeasible). In my thesis, I will take for granted this set of constraints without analysing them further.

However, feasibility is not just a matter of logical and physical possibility, it is also a matter of degree of ability and contextual possibility. Precisely, a logically and physically *possible* normative political prescription can be more or less feasible and its degree of feasibility depends on its accordance with soft feasibility constraints. Furthermore, a prescription that is not '*impossible* at any time and place of the world' could be *contextually impossible*. Contextual possibility still depends on soft feasibility constraints.

Soft Constraints and Strict Practical Feasibility

In this paragraph, I introduce a preliminary analysis of soft constraints. Here, I stress them through the requirement of '*strict practical feasibility*' in order to underline the 'dangerous' *status quo drift* that normative political theory would risk if scholars conformed their prescriptions to this feasibility requirement. *Strict practical feasibility* is a feasibility requirement demanding to conform prescriptions to all facts currently characterising a certain context and belonging to the categories of facts listed in the second table. I conclude that strict practical feasibility requirement makes impossible to obtain normative prescriptions relevantly different from the *status quo*; then we should not deal with such a requirement. It is still important to keep in mind that strict practical feasibility is just an explanatory tool that I use to show: first, which soft constraints the literature takes into account; second, why we should avoid that prescriptions conform with all soft constraints. *No scholar analysing the question of feasibility suggests such a requirement.*

The set of soft constraints is surely more controversial than that of hard constraints. In the literature, soft constraints are contingent facts peculiar of one, or more than one, context that make it improbable but not impossible to implement and maintain certain prescriptions. In my account, soft constraints imply the improbability or the

contextual impossibility of obtaining feasible prescriptions. That is to say, a prescription demanding an action that clashes with one or more soft constraints is a prescription having a non-full degree of feasibility or that it is unfeasible in certain contexts.

Scholars sometimes conflate *improbability* and *contextual impossibility*. It is quite easy to see that analytically they are not the same thing. Since when, an *improbable prescription* is a prescription demanding an action that *is still possible to perform for human beings, but that clashes with some facts affecting human beings' ability degree to perform it*. While, a *contextually impossible prescription* is a prescription demanding an action that *is impossible to perform for human beings inhabiting a certain context*. Despite this difference, in the literature both cases seem to be affected by the same kinds of constraints. In other words, it is improbable or contextually impossible that human being are able to perform demanded actions, when prescriptions conform with all hard constraints, but they do not conform with one or more soft constraints.

In the table of feasibility, constraints affecting ability, degree or contextual possibility belong to the second and fourth cells. The third cell is empty because I do not think there is a contribution suggesting kinds of facts affecting the *general ability degree* to perform some actions. Although I think this is an important omission in the analysis of feasibility, I do not pay attention to it now. In the third chapter, I will show that there are facts affecting general degree of feasibility, these are of course general facts: facts that characterise all the world in any or some circumstances now and in a predictable future

The literature usually considers these facts that undermine contextual possibility or influence contextual probability: current state of technology and medicine (technique skills and scientific knowledge), institutional setting, cultural habits, economic arrangements and unspecified features of human beings.

Let us define them in some detail and stress their role in affecting feasibility through *strict practical feasibility requirements*.

Current state of technology and medicine – it is commonly accepted that current features of environment (rivers, mountains, etc.) can be changed by our ability to

manipulate them through new technologies or techniques. It means that the natural environment in itself is not a constraint for normative prescriptions; the extent to which it affects the implementation of prescriptions depends on human abilities to modify it. The influence of technological constraints on feasibility is highly intuitive. For example, if inhabitants of the Sahara do not possess the technological ability to have sufficient drinkable water, then the availability of water is constrained by practical circumstances. Hence, the feasibility of a prescription demanding that '*every one ought have free access to water*' is influenced by material circumstances that cannot be changed given the *current state of technology*¹⁸.

Linking such a constraint with strict practical feasibility requirements, we should claim that a prescription x is not feasible if we are not able to perform *here and now* the actions it prescribes. So, given the strict feasibility requirement, if the actual ratio between technical-technological abilities and features of natural environment influences the possibility or the ability degree to perform a prescribed action, then the prescription is unfeasible.

The same hypothesis applies to the state of medicine. That is to say, supposing that a prescription demands actions that are impossible to obtain given the current state of medicine, that prescription would be unfeasible if we adopted a strict feasibility requirement. Therefore, we should not implement it.

¹⁸ Lawford-Smith (2010) holds that the state of technology is a feasibility constraints only if we are referring to the frontier of the state of technology. Where the frontier of technology is the best level of technology and technical skills that there exist in the world. So, in her opinion, state of technology is a feasibility constraint in a certain context only if: given the frontier of technology and technical skills, nobody is able to obtain the necessary material conditions to implement a certain prescription in that context (the context could also be 'the world at certain time').

So, let us suppose that in order to implement the prescription x it is necessary to have the technology t . Then, let us suppose that i) the group of people inhabiting the context C wants to implement x but has not the technology t ; ii) only the group of people living in the context $C1$ has the technology t . Obviously, the state of technology is not a feasibility constraint when that should be considered to devise the prescription x . Furthermore, the authors suggest that the lack of technology t does not constrain the feasibility of prescription x in C . In other words, the lack of t in C is not a feasibility constraint to implement x in C , because people inhabiting C can use the technology of people inhabiting the context $C1$.

This means for example that in case that there exist a German engineering company able to 'generate' clouds and rain in natural environments such as desert; people living in Sahara would not have any technological constraint to implement a prescription such as '*every one ought have free access to water*'. Given that inhabitants of Sahara could obtain water using the technology and the technical skills of the German company.

Institutions– institutions can be defined as the current set of rules and procedures ruling the life of human beings belonging to a certain context. This means that people belonging to a context characterised by a certain set of rules and procedures are unable (or unable for some degrees) to perform actions that are not in accordance with those rules and procedures. So, prescriptions demanding actions that clash with contextually accepted norms and procedures are contextually unfeasible or lowly feasible.

Let us suppose the case in which the prescription x states: ‘*every democratic system ought to be a presidential system in order to well satisfy the principle of accountability*¹⁹’. Then suppose that we would like to implement it in a parliamentary system. Parliament has to accept or reject this prescription. It is reasonable to think that Parliament will try to preserve its sovereignty and then hinder the implementation of such prescription. Then, the prescription x will be difficultly accessible. It means that given the actual institutional setting, the prescription x is constrained by the features of such institutional system.²⁰

So, if we deal with the strict feasibility requirement, we should conclude that any prescription that does not conform to the institutional setting of a certain context is unfeasible. So, in that case, we should conform the prescriptions with all institutional facts characterising the context. That is to say, we should not implement any prescription clashing with (and maybe modifying) the current institutions.

¹⁹ Here it is not important to know if the prescription is desirable

²⁰ I do not know if it is plausible to think that institutional constraints work during the implementation of normative political prescriptions concerning principles. In order to check strict feasibility of principles given the current institutions, I think we should suppose the case in which a constitutional principle is not really fitting with actual institutional setting. Obviously, principles does not directly imply punishable obligations, they can be just prescriptions to evaluate and define rules. However, I claimed that a principle has still a political role. Let us suppose that the principle we would like to implement in our constitutional bill is the meritocratic one: ‘*everyone has a right to what she deserves.*’ Now, let us suppose that actual institutions are not shaped by meritocratic rules. Hence, suppose that implementing the meritocratic principle the actual institutions would be evaluated according to it and perhaps they will be changed in the future. Are there reasons to think that actual institutions will accept the principle? Are there reasons to think that current institutions are not a feasibility constraint for normative political principles? It seems me reasonable to think that the institutions would try to preserve themselves (at least in some cases) and they would reject the implementation of the principle. Hence, institutions seem to be a feasibility constraint also for political principles. So, a principle that is not in accordance with current institutional setting seems not be strictly feasible.

Culture – When we use the term culture we could mean both cultural habits and cultural beliefs. Cultural habits are actions or set of actions rooted in the cultural beliefs of a certain group of people. By contrast, cultural beliefs are socially spread beliefs concerning values and customs justifying²¹ the actions of people. Hence, I define the culture characterising a context as ‘the ways of life, customs and beliefs, of a particular group of people at particular time’.

The two faces of culture are obviously interrelated: *cultural habits* are *actions* or set of actions based on *socially shared beliefs* about values and about the world. The sociologic assumption is that individuals interiorise currently widespread cultural beliefs and because of this they act in a certain way. Those actions become cultural habits, and it is hard to act in accordance with prescriptions clashing with those cultural habits.

Let us suppose that we want to employ principles and rules of ‘welfare state’ in a community in which people act in accordance with libertarian values. Let us suppose we want to implement tax imposing to share the income such as ‘everyone has to pay a tax equal the 40% of her income’ (that is quite common in systems in which private property and welfarism coexist; for example, taxes on charitable contributions). It seems reasonable that if people have a libertarian culture and are devoted to a radical interpretation of rights of ownership, people will hardly be convinced to pay the tax and of sharing their income with others. Then the redistributive tax seems to be affected by the culturally spread beliefs and actions of people. In other words, people avoid performing those actions that the redistributive prescriptions demand because these are inconsistent with their shared libertarian cultural beliefs. In this case, the implementation of a welfare prescription is constrained by the fact that people do not perform the action ‘to pay taxes’.

Dealing with the strict feasibility requirement we should not implement prescriptions clashing with the current culture.

Economy – I define economy as the system or range of activities concerned with the production, distribution and consumption of goods and services in a country, region

²¹ It is not clear whether beliefs have a motivational force or whether they only play the role of justifying a course of actions.

or community. It is commonly accepted that the economic system characterising a context affects the feasibility of a prescription. That means, a prescription demanding actions that are unsustainable (or hardly sustainable) given the current economic system is the prescription of contextually unfeasible or lowly feasible actions.

Let us suppose that we would like to implement a rule warranting basic liberties in a context currently characterised by severe scarcity of resources. Of course, if the current amount of resources is not sufficient to implement basic liberties in that context, then currently, basic liberties cannot be implemented in that context.

Dealing with the strict practical feasibility requirement, if currently a certain prescription is not economically sustainable then it is impossible to perform the actions it prescribes and scholars should not devise it. Adopting the strict feasibility requirement we should conclude that any prescription that is not conforming with the current economic arrangement is not feasible. So, decision makers should not implement them.

Individuals' motivations to act and psychological facts – finally, practical feasibility can be sensitive to motivational constraints. The case of motivations is the most controversial for several reasons. The notion of *individual motivations* has been used in different disciplines from psychology to sociology and philosophy. Any discipline has different approaches to motivations and different definitions of motivations. So, it is not easy to understand how we should treat the notion.

I suggest a vague definition in order to avoid controversial interpretation: motivations are *any cause of human beings' actions*. Given this definition and assuming that motivations are conditions of feasibility, it might seem reasonable to conclude that first, any disposition to act is a practical constraint; and, second, applying a strict feasibility requirement, any prescription should conform with all motivational constraints. However, these conclusions are disputable. Gilabert, for example, seems to suggest that there are two kinds of motivations: motivations act given by what individuals want and motivations entailed by un-chosen²² factors

²² Obviously there are middle range cases in which motivations given by individuals are influenced by un-chosen factors (sociology of situated individuals and bounded rationality assume exactly a kind of disposition to act in which individual choices are the outcome of individuals' inner characters and

(traumas, psychological illness, imprinting, addictions, etc.)²³. He suggests that only the second kind of motivations constrains the abilities of an agent performing an action. Let us check these two kinds of motivations.

Motivations given by what individuals want – here, I am considering those motivations that are simply the expression of what individuals want to do. So, let us suppose that a prescription necessarily demands that everyone goes to a postal office one times per week in order to pay taxes (it is an old fashion prescription), but suppose that people are extremely lazy and do not want to leave the sofa. Then, nobody goes to the postal office and it is not possible to implement or maintain the prescription. In this case, the prescription is not successful *here and now* but the reason seems absurd and it seems unjustified to retain that this motivation affects ability degree of people to perform the prescribed action. The reason is that there is a difference between saying that an individual does not want to do something and saying that an individual is not able to do something. Therefore, it seems that what individuals want to do should not affect the feasibility of prescriptions.

In the last chapter, I will accurately treat this distinction between *what individuals want to do* and *what individuals are able to do*. For now, I want to anticipate that motivations that are the outcome of what individuals want to do²⁴ are not considered feasibility constraints in the literature.

Motivations entailed by un-chosen factors – Here, I am considering those motivations that are necessary and un-chosen. Now, let us suppose the case in which a prescription demands that ‘*people ought to preserve water*’ and consequently ‘*people ought to wash their hands for a maximum of three times per day*’. Let us suppose that there is a group of human beings that are compulsively motivated to wash their hands at least ten times per hour. In this case, people seem unable to perform the actions that the prescription demands, so it seems that human beings’ motivation to wash hands affects the feasibility of this prescription. In this case, the

external factors such as education, culture, etc.). However, I will not discuss these sociological contributions in this paragraph and I will just touch on them in the rest of the thesis.

²³ Clearly, we are referring to a deterministic relation between external factors and dispositions to act in a certain way

²⁴ I will call them *individuals’ own motivations*

motivations springing from this pathology seems to be *un-chosen*. That is to say, it seems that they are not the expression of what agents want. Hence, it seems possible to concede that these motivations do constrain the feasibility of prescriptions.

However, if motivations given by psychological and physiological addictions, traumatic events or compulsive motivations were the only motivations that can be considered feasibility constraints in Normative Political Theory, we should conclude that motivations do not affect feasibility in a substantial way. In fact, these motivations would affect the feasibility of prescriptions only in contexts in which the majority of people have these addictions or traumatic/compulsive motivations. These cases seem to be quite uninteresting for normative political theory, given that it is not probable that a politically autonomous contexts such those does exist. In other words, a context in which the majority of people are addictively, traumatically or compulsively motivated in a certain ways could be hospitals or a rehabilitation centres: cases that concern Ethics much more than Normative Political Theory and that are not politically autonomous.

In the literature, other kinds of motivations or psychological features of human beings seem to affect the implementation and maintenance of a certain prescription in a certain context. These are *others' motivations* and *motivations characterising our moral model of agent*.

Others' motivations are those motivations of people who do not belong to the context in which the prescription we are interested in should be implemented. For example, in case that Italians want to implement a certain prescription, Germans' motivations about the Italian decision to implement that prescription could bring German government to act in a certain way that constrain the feasibility of that prescription in Italy. In this sense, Germans' motivations could affect the feasibility of the prescription in Italy.

Others' motivations are usually considered feasibility constraints. Therefore, given the strict feasibility requirement, we should not implement prescription clashing with others' motivations.

Hahn seems to suggest that other motivational or psychological features of human beings could be considered feasibility constraints. Specifically, I will show that in

Hahn's contribution, the motivations characterising the moral model of agent assumed by the normative theory are feasibility constraints. For example, if the theory supporting the prescription that we want to implement is based on a moral model of an agent that is solidarity driven, then motivations based on feelings of solidarity are feasibility constraints. I later discuss and reject this argument.

In conclusion, un-chosen motivations, others' motivations and motivational features characterising our moral model of an agent are considered feasibility constraints in the literature. Any prescription clashing with these facts is unfeasible and we should not implement it given the strict feasibility requirement.

In sum, a prescription is said to be *strictly feasible* if and only if it conforms to every hard constraint and every fact characterising a certain context and belonging to the categories of soft constraints. So, supposing a context characterised by facts $f, f1, f2, f3..fn$ ²⁵ and supposing that these facts belong to the categories of hard and soft constraints, normative political prescription should conform to all these facts in order to be feasible. Now, I am going to argue that strict practical feasibility is too strong a commitment for Normative Political Theory: dealing with such a requirement, normative political prescriptions risk being reduced to a *status quo* description. In other words, if scholars devised their prescriptions to conform to all of these facts, it would be difficult to devise normative political prescriptions different from the current state of affairs. Furthermore, if we would advise implementation only of those prescriptions that conform to all hard and soft constraints we would hardly modify the set of prescriptions characterising a context in a substantial way.

Strict practical feasibility and status quo drift

The list of soft constraints includes facts belonging to the kinds of fact such as *state of technology, institutions, economy, culture, others' motivations and motivational and psychological facts characterising the moral model of agent assumed by our*

²⁵ To repeat, $f, f1, f2, f3..fn$ are facts belonging to these kinds of facts: institutional setting, cultural habits, economic conditions and arrangements and in some unspecified cases motivational and psychological facts

theory. These kinds of facts have to be added to those kinds of facts that are considered hard constraints, such as *logic rules, physical and biological laws*.

Strict practical feasibility requires that normative political prescriptions be devised and implemented in a context in accordance with any hard constraint and any soft constraint. In other words, dealing with strict practical feasibility, just those prescriptions that do not clash with all facts characterizing a context (and listed above as feasibility constraints) are feasible prescriptions. Despite dealing with such a feasibility requirement we could devise and implement highly (or perfectly) feasible prescriptions, I suggest that we avoid it because it could lead us to a re-formulation of the *status quo*. Then, if I recommended dealing with *strict feasibility*, I would recommend that any prescription that does not conform to the *status quo* would be unfeasible; and I think this is not the case. That is to say, I think that prescriptions that do not conform to the *status quo* can be feasible.

Strict feasibility assumes that human beings belonging to a certain context *can* act only in accordance with those facts (rules, procedures, habits, etc.) already characterising the context in which they live. However, I think that human beings *can* also act in accordance with prescriptions clashing with the *status quo*. Therefore, I reject the strict feasibility requirement.

The reasoning to reject strict feasibility is the following. Let us suppose that the Context E (that is the space s at time t) is characterised by facts $e_1, e_2, e_3 \dots e_n$. *Strict feasibility* requires that all these facts characterising the context E should be considered practical constraints for normative prescriptions. Hence, a prescription is strictly feasible only if it demands actions that do not clash with any of those facts. For instance, a prescription is not feasible if it demands an action that clashes with the fact e_1 . Given that by definition, the *context* E is characterised by all and only the facts $e_1, e_2, e_3 \dots e_n$, then any feasible prescription would not modify the *status quo* existing in E. In other words, it would be impossible to obtain normative political prescriptions different from the *status quo* (or different from some undistinguished re-formulation of the *status quo*). However, it seems plausible to think that there are cases in which normative political prescriptions are feasible even if they modify the *status quo*. So, it is possible that human beings inhabiting a context *can* act in

accordance with prescriptions that clash with one or some facts characterising that context. Therefore, being strict practical feasibility too strong requirement of feasibility, it is inappropriate.

I think an example could help to understand why a strict feasibility requirement is not appropriate. Let us assume that in God-land (the city-state introduced in the first chapter) the God's Grand-vizier (that is still the main political authority of God-land) wants to implement a prescription recommending that '*any female and male citizen of God-land ought serve the God's Army two weeks per year until her/his physical abilities permit her/him to do it*'. Let us suppose that this new rule clashes with the previous one: '*only male citizens of God-land have the right and the duty to serve the God's Army, two weeks per year until their physical abilities permit them to do it*'. Of course, the new rule radically changes the *status quo*²⁶. So, the implementation of the latter rule is obviously clashing with the previous one (with the *status quo*). However, if we accept that it would be possible to implement it, we concede that it is feasible and we should reject the strict feasibility requirement.

If we think that normative political prescriptions different from the *status quo* can be devised and implemented in a certain context, then we should not deal with strict feasibility requirement²⁷. Consequently, we should accept to devise prescriptions that are not in accordance with all existing facts characterising a certain context. Furthermore, we accept that we can implement prescriptions that are not in accordance with all facts characterising a certain context here and now.

In conclusion, devising and implementing normative political prescriptions, we should care about both hard and soft constraints. However, we should not care about any fact (or kind of facts) characterising a context and belonging to the above

²⁶ A sociologist could find out also some social implications about the role of woman in the society and could argue that a rule such that would relevantly change the social environment.

²⁷ Someone could hold that we should deal just with strict practical feasibility and if strict practical feasibility entails that normative political prescriptions different from the *status quo* are impossible, then we should accept this conclusion. Nonetheless, I think that it is possible to obtain and employ normative political prescriptions different from the *status quo*. Therefore, we should not deal with strict practical feasibility.

I think that the hypothesis about the existence of normative prescriptions different from the *status quo* and still feasible is historically grounded. History is full of events that show that it is possible to radically change the current state of affairs. For instance, revolutions are ways to employ a normative political prescription radically different from the *status quo*, that means: revolutions are the historical fact showing that normative prescriptions different from the *status quo* are feasible.

categories of soft constraints. This could mean that i) there are facts characterising a context and belonging to the categories of facts described above that have not the necessary requirements (properties) to be considered soft feasibility constraint; ii) there are kinds (categories) of facts that should not be considered soft feasibility constraints.

Given that not all facts or kinds of facts should be considered soft feasibility constraints, the problem is to find out an *appropriate criterion to select soft constraints* and to distinguish them from simple facts. Contributions that I am going to review suggest some criteria to select *relevant* facts constraining the feasibility of prescriptions. In other words, these contributions try to establish a rule in order to *distinguish* between *simple facts* characterising one or more contexts and *soft constraints* that affect the feasibility of normative political prescriptions. That is the first step in order to formalise adequate feasibility requirements.

Selecting soft constraints: normative and practical feasibility requirements

Strict practical feasibility requirement is not a good feasibility requirements. Hence, after having listed all kinds of facts that could affect feasibility, it is necessary to understand which facts or kinds of facts of a given context do matter for the feasibility of normative political prescriptions. In other words, it is necessary to find out an appropriate criterion that enables scholars to understand which facts should be considered soft feasibility constraints.

In order to avoid the drift of *status quo*, authors inquiring into feasibility suggest two main approaches to select soft practical constraints of normative political prescriptions: the first approach suggests selecting soft practical constraints through normative criteria. Roughly, this approach suggests that all and only *normatively valuable facts* (or kind of facts) should be considered soft feasibility constraints. So, normative political prescription should deal with *normative feasibility requirements*; the second approach suggests selecting soft practical constraints through practical criterion. Roughly, this approach suggests that all and only facts affecting the success of a certain prescription now *and* in a predictable future should be considered soft

constraints. So, normative political prescriptions should deal with a *practical feasibility requirement*. I am going review those former contributions in the next part of this chapter and the latter contributions in the last part.

I anticipate that normative feasibility requirements seem problematic to me because their criteria for the selection of soft constraints lead to circular arguments. Whereas, I will hold that practical feasibility requirements approach the question in the right way: trying to evaluate practical constraints only by virtue of their impact on the ability of people to perform actions. So, I will hold that the interference of morality is correctly cleaned out in practical criteria. However, I will not share the emphasis on social fact as feasibility constraints because they are facts dependent on what human beings want. Hence, I think that these facts affect the *success* of prescriptions but they do not affect *ability* of groups of people to perform prescribed actions. So, I will conclude that purposed criteria are not adequate to select soft feasibility constraints.

Chapter 3

Normative requirements of feasibility

Introduction

In the first part of this chapter, I listed feasibility constraints. I underlined that despite most pre-eminent scholars agreeing about the set of *hard* feasibility constraints, disagreement may occur about the set of *soft* feasibility constraints. In other words, the authors analysing the question of feasibility agree that normative political prescriptions should conform to logical rules and physical/biological laws. Differently, they could disagree about the set of soft constraints: those facts that affect the *contextual feasibility* or the *feasibility degree* of prescriptions. The reason is that not all those facts listed above should be considered soft feasibility constraints. Thus, we should appropriately distinguish soft constraints from simple facts; then we should exclude certain facts from the list of soft constraints. Since currently there is not an uncontroversial and adequate feasibility criterion to select soft constraints, there is disagreement about the appropriate set of soft constraints.

For this reason, it seems necessary to find an appropriate criterion for the selection of soft constraints. Such a criterion should be based on the *necessary properties of feasibility constraints* and it would enable us to distinguish *soft feasibility constraints* from *simple facts* characterising a context.

As I already wrote, authors' contributions can be distinguished between those suggesting normative criteria and those suggesting a practical criterion for the selection of soft constraints. Now I am going to review those contributions from which I deduce the former criteria.

In order to obtain an appropriate set of feasibility constraints, normative criteria are based on the hypothesis that '*all and only normatively (or morally) valuable facts should be considered soft constraints*'. From this hypothesis, I will deduce two different normative criteria for the selection of soft constraints. My aim is to structure a *normative feasibility requirement* and to show why we should avoid selecting soft constraints through a normative criterion. To be precise, no author

explicitly formalises a criterion to select soft constraints: I deduced these from certain more or less accurate advices. However, I think that Hahn²⁸ and Rääkkä²⁹ (the authors I will consider in this part) provide arguments suggesting which facts are normatively valuable. Thanks to these suggestions, I will shape two formal normative criteria for the selection of soft constraints. I will dub these criteria Griffin/Hahn criteria and Rääkkä criteria.

Roughly, Hahn's advice is that only those facts characterising the moral model of human being (or agent) embedded in the normative theory we trust should be considered soft constraints. For instance, if our moral model of human being is driven by pure and unilateral solidarity toward the human genre, we should not consider soft constraints some egoistic motivations. Differently, Rääkkä advice is that only those facts whose lack³⁰ would entail *moral costs* should be considered soft constraints. For instance, if implementing a prescription we frustrated the motivational fact of human self-preservation but the frustration of this fact does not imply any moral cost, then motivational fact of self-preservation should not be considered a soft feasibility constraint.

Both Hahn and Rääkkä seem to hold that a certain *normative (moral) property* of facts plays a role in defining the set of soft constraints³¹. Roughly, I am going to criticize normative criteria for the selection of soft constraints because two reasons. First, these criteria are sensitive to controversial implications that do not fit with the definition of feasibility that I used here and with the common sense definition of '*feasible as capable of being successfully used*'. So, the feasibility requirements emerging from these criteria are incongruent with the *common sense* definition³² of feasibility and with my definition of feasibility. However, this criticism has an

²⁸ Hahn, H. (2011), "Justifying Feasibility Constraints on Human Rights", *Ethical Theory and Moral Practice*, 15(2): 143-157.

²⁹ Rääkkä, J. (1998), "The Feasibility Condition in Political Theory", *Journal of Political Philosophy*, 6(1): 27-40.

³⁰ Later on, I will use the formula *undermining the existence* meaning violating, frustrating, lacking, etc.

³¹ Maybe my interpretation of Hahn's and Raikka's arguments is wrong, but I ask to consider it right in order to understand whether normative criteria for the selection of soft constraints are adequate.

³² The common sense definition of feasibility can be: 'something (here a prescription) is feasible if it is capable of being successfully used'. This definition of feasibility is the one provided by Raikka himself.

important limit, it can be accepted only if you agree with my definition of feasibility or with the common sense definition of feasibility. Differently, I think the second criticism should be accepted whatever definition of feasibility we use. In fact, I am going to argue that the normative criteria lead to vicious circular arguments for the selection of soft feasibility constraints and because of this we should not accept them.

I will start introducing the relation between normative feasibility requirements and the Rawlsian contribution. The aim of this first paragraph is to underline the inspirational role of the analysis concerning the relation between the fact of *reasonable pluralism* and the *stability* of institution. I suggest that normative feasibility requirements are in some way inspired by this Rawlsian analysis, since it emphasizes the role of a normatively valuable fact affecting the stability of liberal democratic institutions. However, I will clarify that is not opportune to deduce any normative criteria for the selection of soft constraints by Rawlsian contribution. Secondly, I am going to describe the Hahn's normative criterion for the selection of soft constraints. I will call it Griffin/Hahn criterion³³. So, I try to show that it has some implications that do not fit with my definition of feasibility. Then, I will hold that it leads to circular arguments for the selection of soft constraints. In the third paragraph, I will describe R  ikk  's normative criterion for the selection of soft constraints. So, I try to show that it has some implications that do not fit with my definition of feasibility and with the definition of feasibility used by R  ikk   himself. Then, I will try to show that also this requirement leads to a circular argument for the selection of soft constraints. In conclusion, I will sum up the circular argument of normative feasibility criteria and I will show why it is not just *circular* but also *vicious*. Thus, I will suggest that practical criteria for the selection of soft constraint could be preferable since they do not collapse in this kind of *vicious circularity*.

³³ Even if I do not know whether they would accept it or not

Stability for the right reasons and normative feasibility

The degree of feasibility of prescriptions depends on their accordance with adequate feasibility requirements. Where feasibility requirements says us which conditions of feasibility normative political prescriptions should respect. In order to shape an adequate feasibility requirement, we have to find a good criterion for the selection of soft feasibility constraints. To find an adequate criterion for the selection of soft constraint is a preliminary aim of my research (the interrelated and consequent aim is to discover the feasibility constraints). In this part of the chapter, I will pay attention to the analysis of *normative criteria for the selection of soft constraints*. Such normative criteria roughly suggest that a certain fact is a soft feasibility constraint only if it bears a normative (or moral) value, namely, only if it is normatively valuable. As it usually happens in contemporary political philosophy, the disciplinary routine suggests me to move from Rawlsian contribution and in particular from its emphasis about the stability for the right reasons.

I am recommended to move from this contribution because the analysis about the fact of *reasonable pluralism* and its relation with the notion of *stability for the right reasons* seem to be the inspirational source of normative criteria for the selection of soft constraints. That is to say, it seems that the Rawlsian contribution about ‘stability for the right reasons’ introduces the idea that a feasible prescription should conform to *normatively valuable facts* such as the fact of *reasonable pluralism*. Thus, normatively valuable facts are natural facts or social facts that we think bear normative (or moral) values.

Reasonable pluralism is a fact that potentially constrains the feasibility of Rawlsian prescriptions. Then, I maintain that such an emphasis on reasonable pluralism as normatively valuable fact plays an inspirational role for any attempt of normative feasibility requirement. Nonetheless, I will argue that is not appropriate to conclude that Rawls pays attention only to these kinds of facts. For this reason, I do not think that Rawls would agree with the hypothesis that ‘only normatively (or morally) valuable facts affect the feasibility of his prescriptions’. Therefore, I will conclude

that is not appropriate to deduce any normative feasibility criterion for the selection of soft constraints from Rawlsian contribution.

In the whole Rawlsian contribution (including at least *A Theory of Justice*, *Political Liberalism* and *The Law of People*), the question of feasibility is *explicitly* and *directly* addressed when the author analyses the stability for the right reasons. In this part of *Political Liberalism*, the fact of reasonable pluralism plays a pivotal role for the stability of liberal democratic institutions. Hence, someone could think that reasonable pluralism is the only feasibility constraint identified by Rawls.

Reasonable pluralism is a fact characterising any just society and can be considered a good example of *normatively valuable feasibility constraint*. It is the fact of the existence of *diverse reasonable comprehensive doctrines*: doctrines that ‘reasonable citizens affirm and that political liberalism must address’³⁴. Certain reasonable comprehensive doctrines could avoid accepting liberal prescriptions concerning the basic structure of just societies and by implication this disagreement could undermine the existence of those institutions. As Rawls himself points out: ‘reasonable pluralism limits what is practically possible here and now’³⁵. Then, the existence of different reasonable comprehensive doctrines could undermine the stability of liberal democratic institutions and because of this it is considered a *feasibility constraint*.

Rawls pays particular attention to the fact of reasonable pluralism in virtue of its normative value. Reasonable pluralism emerges as outcome of the use of individuals’ reasonableness under societies characterised by just institutions, consequently it is a necessary feature of *just* and *fair* societies. Being a necessary (or constitutive) feature of just and fair societies, it is not just a constraint that could undermine the stability of institutions, it is also a constraint that we should accept and which we should deal with (a fact that we should not neutralise). Hence, the features of reasonable pluralism are two: first, it constrains the feasibility since it could undermine the stability of certain just institutions; second, it is *normatively valuable* since it is the outcome of individuals’ use of reasonableness and it is a constitutive part of just

³⁴ Rawls, J. (2005), *Political Liberalism*, New York: Columbia University Press., pp. 36-37

³⁵ Rawls, J. (1997), *The Law of Peoples*, Cambridge, MA: Harvard University Press., p.12

societies. Because of this, we can say that reasonable pluralism is a *normatively valuable feasibility constraint*.

In sum, what makes reasonable pluralism problematic are its implications for the stability of liberal institutions. That is, reasonable pluralism is a feasibility constraint since it affects the stability of institutions. Furthermore, reasonable pluralism is particularly relevant for Rawls because it is *normatively valuable*.

Rawls emphasises the fact of reasonable pluralism and the search for the overlapping consensus as a condition for the stability for the right reasons. Such an emphasis on reasonable pluralism as *normatively valuable feasibility constraints* could influence the analysis of feasibility constraints. That is to say, one could argue that in accordance with Rawls, only normatively valuable facts can be considered *relevant* feasibility constraints. Hence, one could argue that evaluating the feasibility of normative political prescriptions we should consider only normatively valuable constraints. That is why I maintain that Rawls's analysis could inspire normative criteria for the selection of feasibility constraints.

Nonetheless, I reject this interpretation of Rawls's contribution; I reject the idea that Rawls would pay attention only to normatively valuable constraints as factors that could undermine the feasibility of his prescriptions. If that were the case, if really Rawls thought that only normatively valuable facts are feasibility constraints, then it would be correct to deduce a first primordial criterion for the selection of soft feasibility constraints from his contribution. However, it does not seem to me that reasonable pluralism is the only fact affecting feasibility that Rawls considers.

Paying attention to the whole Rawlsian contribution, including *A Theory of Justice*, it seems that other facts affect the possibility to maintain Rawlsian prescriptions. For instance, circumstances of justice seem to affect the feasibility of principles of justice. Quoting Rawls: 'the circumstances of justice' are 'conditions under which human cooperation is both *possible* and necessary'³⁶, where the cooperation brings about a just society characterised by principles of justice and liberal democratic institutions. Hence, the circumstances of justice are conditions under which principles of justice and consequently liberal democratic institutions are feasible.

³⁶ Rawls, J. (1971), *A Theory of Justice*, Cambridge, MA: Harvard University Press., p. 126

Circumstances of justice such as the *physical facts about human beings* and their *similarity in mental features*, the *moderate scarcity of resources* or the *limited altruism* are all facts which we have no reason to consider *normatively valuable*: they do not bear particular moral values. However, they play a fundamental role for the stability of Rawlsian prescriptions. That is why I think Rawls would consider them feasibility constraints.

In conclusion, I concede that the emphasis on the reasonable pluralism could inspire normative criterion for the selection of soft constraints. Nonetheless, Rawls himself seems to pay attention to both normatively valuable facts and non-normatively valuable facts as factors affecting the feasibility of prescriptions. Hence, it does not seem to me that Rawls would agree with the idea that '*only (or morally) normatively valuable facts* (such as the fact of reasonable pluralism) *are feasibility constraints*'. Consequently, it does not seem to me appropriate to deduce any normative criterion for the selection of soft constraint from the Rawlsian contribution.

In the next paragraphs of this part of second chapter I am going to suggest two different *normative* criteria for the selection of soft constraints. Here, my aim is to show that normative criteria are inadequate.

*Griffin/Hahn requirement of feasibility*³⁷

The first contribution I am going to analyse is the Hahn's contribution, which seems inspired by Griffin³⁸. In *Justifying Feasibility Constraints on Human Rights*, Hahn seems to suggest that normative political prescriptions, in this particular case, human rights³⁹, should conform to those features that human beings would have if they were 'the kind of persons we have reasons to want they be'. This kind of advice is not a formal criterion to select soft constraints per se. So, I am going provide an

³⁷ I call this requirement Griffin/Hahn requirement given that Hahn cites the work of Griffin and he recognises to Griffin the fatherhood of the indication from which it rises. However, I am not sure that Griffin would accept the interpretation that Hahn gives to Griffin's analysis of practical constraints.

³⁸ Griffin, J. (2008), *On Human Rights*, Oxford: Oxford University Press.

³⁹ Hahn contribution is about the feasibility of human rights. However, I will assume that his indication and the feasibility criterion that I will deduce from it can be used to shape a feasibility requirement of normative political prescriptions in general

interpretation of this suggestion in way that it can work as a selective criterion. As any other feasibility requirement, what I call the ‘Griffin/Hahn requirement’ assumes that normative political prescriptions should not conform to all facts existing in a certain context. Normative political prescriptions should conform only to hard practical constraints and constitutive features of the *moral model of agent* assumed in our normative theory. Citing Hahn:

Griffin restricts what we can demand of a person to the capabilities this person would have if she were the kind of person we have reason to want her to be...an ideal that appears to be morally desirable in itself and that is feasible in principle [conform to hard constraints] might nevertheless turn out to be practically infeasible from the point of reference set by other normative ideas concerning the circumstances of ideal’s realization⁴⁰.

Given my interpretation of this advice, I assume that the Griffin/Hahn criterion for selection of soft constraints is based on the notion of *moral model of agent*, where the moral model of agent is a theoretical model of a human being, which is characterised by certain morally valuable features chosen by theorists on the ground of certain moral arguments. In this sense, the features of the moral model of agent could non-correspond to the real nature of human beings. This means that if a theory is based on a certain moral model of an agent, the Griffin/Hahn criterion says us that we cannot prescribe principles or rules that do not conform to the features of that moral model of an agent. In this sense, Griffin/Hahn’s criterion for the selection of soft constraints could be formalised in the following way: *all and only facts⁴¹ that are constitutive moral features of the model of agent assumed by our normative theory are soft constraints*.

Hence, let us suppose that our normative theory, M (from which will rise the prescription *m*), assumes the moral model of an agent, *Im*. Then let us suppose that *Im*’s actions are driven by the morally relevant motivations, *a* and *b*. Then, the

⁴⁰ Hahn, H. (2011), “Justifying Feasibility Constraints on Human Rights”, *Ethical Theory and Moral Practice*, 15(2): 143-157., pp. 150-151

⁴¹ Mainly motivational facts

prescription m of M must respect: first, all hard practical constraints, and, second, the morally relevant motivations, a and b . That is to say, the prescription m cannot demand actions that Im is not motivated to perform (given its features a and b).

For instance, let us suppose that in our normative theory, we assume that agents are *solidarity driven*⁴². Given this moral model of an agent, let us suppose that first, the agents have an interest in their own well being that is equal to her interest in the well being of other people; second, the agents believe that well-being is given by a certain amount of material goods and affections. To put it another way, let us suppose that the agents are mainly motivated by two states of mind: the desire to share well-being with anyone that needs it; the belief that well-being is provided by a certain level of material goods and affections. In this case, any prescription must respect: first, all hard practical constraints; second, the motivational states of mind driving the actions of this moral agent model. For example, the fact that this agent is motivated to share her material goods and affections with all other people who need them.

The Griffin/Hahn criterion suggests that only hard constraints and motivational features of the moral model of the agent constrain the feasibility of the normative political prescriptions. So, in this case the set of soft constraints would include just motivations regarding solidarity. It means that any normative political prescription would be perfectly feasible if it conforms to hard constraints and motivations regarding solidarity.

Intuitively, given a common sense definition of feasibility or given my own definition of feasibility, I think we would not necessarily obtain feasible prescriptions if we formalised them in accordance with the moral model of agent we assume. The common sense definition of feasibility suggests that something (a prescription) is feasible iff it is capable of being successfully used. Furthermore, I defined that prescriptions are feasible iff it is possible for human beings to act in accordance with those prescriptions ‘or’ human beings are able to act in accordance with those prescriptions. So, I think the Griffin/Hahn criterion is inappropriate because *the moral model of agent* that theorists assume in their theories *could not correspond to reality*. In other words, the moral model of agent could not correspond

⁴² A *solidarity driven* individual is every time motivated to act in accordance with *solidarity*

to real human beings; so, we cannot suppose that human beings would behave as the moral model of agent behaves.

Let us see the argument of the moral model of agent in the context of God-Land, the experimental city-state affected by a severe scarcity of resources. Let us suppose that God-Land citizens are in trouble because of a strong famine and that some of them do not have sufficient goods to stay alive in a decent way. Furthermore, let us suppose that in given the famine some people passed away, so some other people lost the person they loved. So, they suffer because of the physiological need of food and because they lost the people they love. Let us suppose that suddenly an enthusiastic and young Franciscan Monk starts to preach that '*everyone ought share her material goods and love with people who need it*'. Then let suppose that after one week of sermons, people start to share their food with the needy, but nothing changes in affective relations (except some brief expressions of compassion). In other words, people do not share love with others. The monk rounds up people in the central square of God-land, and he asks them why they do not share their feelings of love with others. Imagine that after a moment of silent and embarrassing sense of guilty, a shy woman answers that they are not able to share love with strangers, even if they need it. So, an older fellow brother of the monk suggests to the young that probably, it is not fully feasible to share affections with strangers. The young and disappointed monk then replies: 'of course it is feasible. San Francesco, that is my *moral model of human being*, was able to share love with everyone. So, any human being is able to share love with everyone who need it'. Is this reasoning reasonable? Should we think that God-Land citizens (or the majority of them) are able to share their love with strangers just because San Francesco was able to do it? Should we think that everyone (or the majority of people) is able to act as the moral model of human beings we assumed, even if this model does not correspond to the reality of human beings?

I think that assuming a common sense definition of feasibility '*objects (in this case prescriptions) are feasible iff are capable of being used*', Griffin/Hahn criterion for the selection of soft constraints could have controversial implications. In fact, Griffin/Hahn criterion would admit cases in which certain prescriptions are feasible

even if they are not in accordance with the common sense definition of feasibility. In the case of the example above, the Franciscan prescription should be considered feasible if we adopt the Griffin/Hahn criterion for the selection of soft constraints; but it is difficult to consider it feasible adopting the common sense definition of feasibility. The same problem occurs if we adopt the definition of feasibility from which I move. In fact, it is difficult to think that human beings are able to share feelings of love with everyone else. So, the possibilities are two: either the Griffin/Hahn criterion for the selection of soft constraints is inadequate; or the common sense definition of feasibility and my definition of feasibility are wrong. In other words, the Griffin/Hahn criterion and the common sense definition of feasibility (or my definition) are incompatible; so, we should choose to maintain one or the other.

For the moment, I suggest rejecting both the common sense and my definition of feasibility. So, I suggest analysing if the Griffin/Hahn criterion hold independently from the definitions of feasibility I provided. My opinion is that whatever definition of feasibility we have, the Griffin/Hahn criterion is inadequate because it leads to a *vicious circular* argument for the selection of soft constraints.

I try to explain why this normative criterion leads to a *circular* argument for the selection of soft constraints. Feasibility requirements define the feasibility conditions of normative political prescriptions. So, theories of feasibility aim to determine the feasibility constraints that normative political prescriptions should conform with. Griffin/Hahn criterion to select soft feasibility constraints makes the feasibility requirement dependent on features of the moral model of agent assumed by the theories themselves. In other words, adopting this criterion, the feasibility conditions of normative political theories are dependent on the normative theories themselves. Griffin/Hahn criterion for the selection of soft constraints suggests that in order to be feasible, a normative theory should conform to features of the moral model of agent assumed by the theory itself. Precisely, the mechanism for the selection of soft constraints is the following: i) in order to be feasible, normative prescriptions must respect some facts; ii) however, in order to be assessed as feasibility constraint, a fact

should be assumed by normative theory itself as feature of the moral model of agent. In my opinion, this requirement warrants internal coherence between theoretical assumptions and prescriptions of the normative theories. However, it leads to circularity between internal parts of the normative theory and external constraints. Precisely, I hold that this normative feasibility criterion lead to arguments for the selection of soft constraints that are circular. Where a circular argument is an argument in which one of the premises is identical or equivalent to the conclusion⁴³.

I sum up the argumentation leading to Griffin/Hahn requirement of feasibility. The argument can be pointed out in this way:

1. The theory M has to conform with facts that are soft feasibility constraints;
2. A fact is a soft feasibility constraint iff it is a constitutive feature of the moral model of agent;
3. The theory M assumes the moral model of agent (and its constitutive features);
4. Therefore, a fact is a soft feasibility constraint iff the theory M assumes it is a soft feasibility constraints;
5. Therefore, the theory M has to conform to facts that theory M assumes.

Premise (1) is the feasibility requirement put in general form. Premise (2) is the Griffin/Hahn criterion for the selection of soft constraints. Premise (3) says us where we should find the moral model of agent. It seems opportune that the normative theory M assumes the features of its moral model of agent. Preliminary conclusion (4) is simply deduced by (3) and (2). The final conclusion (5) is deduced by (4) and (1): it is the Hahn's feasibility requirement. Stressing (but not so much) this

⁴³ Sinnott-Armstrong writes, 'an argument is *weakly* circular if and only if one of its premises is used to express the same proposition as its conclusion. An argument is *strongly* circular if and only if one of its premises expresses the same proposition *in the same way* as its conclusion.'
Sinnott-Armstrong, W. (1999), "Begging the Question", *Australian Journal of Philosophy*, 77(2), p.176

requirement, it says that normative theory M has to conform to soft constraints and soft constraints are fact that the theory M says are soft constraints⁴⁴.

Adopting the Griffin/Hahn criterion, we would select the soft constraints through an argument in which the set of soft constraints is assumed by the normative theory in itself. So, let us suppose that the theory M, which is based on the moral model of agent a-M adopts this criterion. The argument to select the set of soft constraints is the following:

First premise, a fact is a soft feasibility constraint iff it is a constitutive feature of the moral model of agent a-M;

Second premise, the fact-a is a feature of the moral model of agent a-M;

Conclusion, the fact-a is a soft constraint.

The first premise is the Griffin/Hahn criterion for the selection of soft constraints when it is adopted by a normative theory based on the model of agent a-M. The second premise is the line (3) of the previous reasoning: it states that the normative theory M assumes a certain moral model of agent a-M and consequently assumes the features of this model. So, the fact-a is assumed by the normative theory M. The conclusion states that the assumed fact-a is a soft constraint. I hold that this argument is circular because: given the first premise (so, adopting the Griffin/Hahn criterion for the selection of soft constraints), the second premise and the conclusion are equivalent (they express the same proposition).

We understand it by substituting the second premise with the conclusion. So, that

First premise, a fact is a soft feasibility constraint iff it is a constitutive feature of the moral model of agent a-M,

⁴⁴ In other words, the argument above can be synthesised in the following way:

- i) Normative theory M should conform with soft feasibility constraints;
- ii) Only those facts assumed by normative theory M are soft feasibility constraints;
- iii) Therefore, normative theory M should conform to those constraints assumed by normative theory M.

Second premise, the fact-a is a soft constraint,

Conclusion, the fact-a is a constitutive feature of the moral model of agent a-M.

Therefore, adopting the Griffin/Hahn criterion the conclusion follows from the second premise, and the second premise follows from the conclusion.

Through this criterion, soft feasibility constraints are assumed by the normative theory itself. So, any feasibility requirement shaped by this criterion is not independent from the normative theories themselves. I will show in the last paragraph that this circularity is vicious. In my opinion, this circularity makes the Griffin/Hahn criterion inadequate for the selection of soft constraints.

Räikkä requirement of feasibility

Räikkä's criterion for the selection of feasibility constraints is based on the notion of *moral costs of changeover*⁴⁵. The moral costs of changeover are those costs in terms of values that could emerge when we try to implement a normative political prescription in the external world.

Räikkä argues that when we try to implement a certain normative prescription, we could *undermine the existence* of certain facts. In other words, in order to implement a certain prescription in a certain context, it might happen that we need to modify, ignore, violate or destroy some facts. Some of these facts are just facts, some other facts could be morally/normatively⁴⁶ valuable facts. For example, human life, personal goods, masterpieces could be normatively valuable facts. Thus, when we decide to implement a certain prescription we could undermine the existence of normatively valuable facts; when we undermine the existence of these facts we have

⁴⁵ Räikkä, J. (1998), "The Feasibility Condition in Political Theory", *Journal of Political Philosophy*, 6(1), pp. 33-38

⁴⁶ I do not provide a distinction between morally valuable facts and normatively valuable facts. So, I use these terms as synonymous. I just need that a fact is morally or normatively valuable iff it bears some value.

moral costs. So, given that we pay a moral cost, these facts should be considered feasibility constraints.

From the Rääkkä's advice it could be possible to formalise a criterion such as '*all and only facts that entails moral costs when their existence is undermined are soft constraints*'.

Anyway, someone could argue that this criterion stresses too much Rääkkä's suggestion. In fact, in his paper the authors admit that

There are always some weak constraints, constraints that make it difficult (although not impossible) to implement social ideals, and *some* of the weak constraints involve moral costs, too.⁴⁷

Reading this sentence from Rääkkä's, it seems that the author is well conscious about the fact that just some soft constraints entail moral costs. He seems aware that there are other facts that play the role of soft constraints, even if they do not entail moral costs of changeover. This could be terminologically true. In the sense that Rääkkä recognises that there are facts that make difficult to implement certain prescriptions even if they are not morally valuable. However, these non-morally valuable facts do not affect the feasibility degree of prescriptions. In other words, these facts are not *relevant* for the feasibility of prescriptions. Rääkkä explicitly hold this:

When evaluating the feasibility of a social institution, it is not enough to consider the strong [hard] constraints. Instead, a political theorist should consider some of the weak constraints too, namely, those that entail moral costs if the suggested [prescribed] institutional arrangements are implemented. There are feasibility degrees of feasibility only in the sense that arrangements are more or less feasible as far as they are more or less [morally] costly.⁴⁸

⁴⁷ Ibidem, 34

⁴⁸ Ibidem, 38

Here, I avoid the terminologically redundant distinction between *relevant* and *non-relevant* soft feasibility constraints, and it seems me plausible to hold that in Rääkkä opinion just morally costly facts should be considered soft feasibility constraints.

Now, I try to show how Rääkkä's criterion works. Let us assume the set of facts F: [*i*, *m*, *e*, *c*]. Such as; *m* and *c* entail moral costs of changeover; *i* and *e* do not entail moral costs of changeover. We can say that *m* and *c* are feasibility constraints, while *i* and *e* are not. Thus, let us assume the prescriptions *x*, *y*, *z* and let us suppose that i) any prescription respects hard constraints; ii) in order to implement prescription *x* it is necessary to undermine the existence of facts *i* and *e*; iii) in order to implement prescription *y* it is necessary to undermine the existence of facts *m* and *c*; iv) in order to implement prescription *z* it is necessary to undermine the existence of fact *m*. Given Rääkkä's criterion for the selection of feasibility constraints we should conclude that i) prescription *x* is 'completely' feasible (because does not undermine the existence of normatively valuable facts); ii) prescription *z* is more feasible than prescription *y*. The reason to conclude ii) is that *z* undermines the existence of valuable facts less than *y*.

We can see how this criterion works in God-Land context. Let us suppose that an engineer is interested to implement a prescription such as '*we ought warrant water free access to everyone*'. However, to do it, he has to solve the problem of scarcity of water that affects the city-state of God-Land. So, he projects a complicated water spring and he submits his project to the God-Land authority for public infrastructures. Let us suppose that in God-Land there is a cave and citizens of God-Land believe (interpreting the Holy written) that God has been living in that cave. So, let us suppose that citizens call the cave 'The Holy Cave' and they assign a moral value to that cave. Let us suppose that the project recommends to build the water spring where the cave currently is. So, the project recommends to destroy the cave. Given that the cave is morally valuable, destroying it the citizens of God-Land would pay a moral cost. So, 'The Holy Cave' should be considered a feasibility constraint for the implementation of the 'water-free' prescription in the context of God-Land. Consequently, probably the God-Land authority for the infrastructure should

consider the project and the prescription *unfeasible*. And they should take other choices to provide water in God- Land.

For example, let suppose that also a water seller coming from *Waterworld* (another city-state quite far from God-Land) is motivated to implement a prescription such as '*we ought warrant water free access to everyone*'. So, she goes in front of the authority of God-Land and submits a business contract to buy water from the *Waterworld Water Company*. In this case the City of God-Land has not the material resources to buy the water, and the City of God-Land in *no-way* can buy the water from the *Waterworld Water Company*. However, given that the fact of *severe scarcity of resources* (or the lacked resources) is not morally valuable, then it should not be considered a soft constraint in Räikkä's terms.

Intuitively, this example also shows that Räikkä's criterion for the selection of soft constraints has some trouble related to the common sense meaning of feasibility. Especially because Räikkä himself defines a feasible object as something '*capable of being successfully used*'. In fact, given the Räikkä requirement of feasibility, the second way to implement the prescription should be considered more feasible than the first one, even if that way is not '*capable of being successfully used*'.

Of course, it is also plausible that Räikkä would prefer to revise his definition of feasibility instead of the criterion of moral costs of changeover. So, also in this case, I suggest rejecting both the common sense definition and my definition of feasibility. I suggest analysing whether the Räikkä's criterion is a good criterion for the selection of soft constraints independently from any definition of feasibility. Also in this case, my opinion is that whatever the definition of feasibility we provide, Räikkä's criterion is inadequate because it leads to circular arguments for the selection of soft constraints.

I try to explain why this normative criterion leads to a circular argument. As the Hahn criterion, Räikkä criterion for the selection soft feasibility constraints makes the feasibility requirement dependent on normatively valuable facts: facts assumed by the normative theories themselves. In other words, also adopting this criterion, the

feasibility conditions of normative political theories are dependent on the normative theories themselves.

Räikkä criterion for the selection of soft constraints suggests that ‘all and only those facts which entail moral costs of changeover are soft feasibility constraints’, where: ‘only normatively valuable facts could entail moral costs’. The mechanism for the selection of soft constraints is the following: i) in order to be feasible, normative prescriptions should conform with some facts, namely, soft feasibility constraints; ii) however, in order to be assessed as feasibility constraint, a fact should be evaluated by the normative theory itself as ‘normatively valuable fact’. I think that this criterion leads to circularity between internal normative parts of the normative theory and (feasibility) constraints. In particular, this criterion suggests that the prescriptions of a normative theory should conform to external facts; but, the external facts should be assumed to be relevant in by the normative argument of the theory.

I sum up the argumentation leading to the Griffin/Hahn requirement of feasibility in this way:

1. The theory M has to conform with soft constraints;
2. A fact is a soft constraint iff it implies moral costs;
3. A fact implies a moral cost only if it is morally valuable;
4. The theory M defines moral values. So, the theory M indirectly assumes morally valuable facts;
5. Therefore, a fact is a soft constraint iff the normative theory M assumes that it is soft constraint;
6. Therefore, the normative theory M has to conform to facts assumed by normative theory M.

Premise (1) is the feasibility requirement in general. Premise (2) is Räikkä criterion for the selection of soft constraints. Premise (3) is implicit in the argument. Facts entailing moral costs are normatively valuable. Premise (4) says us how we can understand if a fact is morally valuable. It is the most sensitive step of the reasoning.

The idea is that given a fact m , I can say that it is morally valuable since I trust in a normative theory that assumes a certain value V_m that says which values to trust. Supposing that the theory assumes the value V_m and that m bears V_m , the theory assumes that fact m is morally valuable. Preliminary conclusion (5) is given by the inference of (4), (3) and (2). The theory M assumes morally valuable facts, morally valuable facts entail moral costs and facts entailing moral costs are soft constraints. So, the normative theory M assumes soft constraints. Last conclusion (6) is inferred by (1) and (5); and it is the Rääkkä normative feasibility requirement.

To rephrase the argument, it says that normative theory M has to conform to soft constraints and soft constraints are fact that the theory M says are soft constraints⁴⁹.

Adopting this criterion for the selection of feasibility constraints we would hold an argument in which the set of soft constraints is assumed by the normative theory itself. So, let us suppose that the normative theory M assumes that A is a value. Let us suppose that M proponents adopt the Rääkkä's criterion. In this case, the argument to select the set of soft constraints would be the following:

First premise, a fact is a soft feasibility constraint iff it entails moral costs in terms of the value A (iff it is A -morally valuable);

Second premise, the fact- a entails moral costs in terms of the value A (it is A -morally valuable);

Conclusion, the fact- a is a soft constraint.

The first premise is the Rääkkä's criterion for the selection of soft constraints when it is adopted by theory M . The second premise is the line (4) of the previous reasoning: it states that the normative theory M assumes a certain moral value A , then it

⁴⁹ To see the requirement in another way:

- i) Normative theory M should be conform with feasibility constraints;
- ii) Feasibility constraints are those selected facts to which the theory M assign a normative value in accordance with its moral assumptions. Therefore;
- iii) Normative theory M should be conform with those facts selected by normative theory M .

implicitly assumes morally valuable facts (facts implying cost in terms of the value A). So, the fact-a (implying costs in term of A) is assumed entailing moral costs by the normative theory M. The conclusion states that the assumed fact-a is a soft constraint. I hold that this argument is circular because: given the first premise (adopting the Rääkkä's criterion for the selection of soft constraints), the second premise and the conclusion express the same proposition. So, the argument is circular.

We understand it by substituting the second premise with the conclusion. So that

First premise, a fact is a soft feasibility constraint iff it entails moral costs in terms of the value A (iff it is A-morally valuable);

Second premise, the fact-a is a soft constraint;

Conclusion, the fact-a entails moral costs in terms of the value A (it is A-morally valuable).

Adopting Rääkkä's criterion the conclusion follows from the second premise and the second premise follows from the conclusion.

So, given Rääkkä's criterion, the selection of constraints of normative theory is not independent by the normative theory itself: in fact, facts are feasibility constraints if and only if they bear certain moral values assumed by normative theories. Again, a feasibility requirement should define the conditions to obtain feasible normative political theories. However, adopting the Rääkkä criterion for the selection of constraints, the conditions of feasibility are assumed by the normative theories themselves (they depend on the normative theories). Now I am going to show why these circular arguments can lead to *vicious* implications.

Normative criteria: incongruity and vicious circularity

Though the review of Hahn's and Rääkkä's contributions, I introduced two normative criteria for the selection of soft constraints. Briefly, I held that the feasibility requirements following these criteria are i) incongruent with my definition of

feasibility and with the common sense definition of feasibility; ii) inadequate whatever definition of feasibility we want to use, because they lead to circular arguments for the selection of soft constraints.

I have shown that in accordance with the normative criteria for the selection of soft constraints some prescriptions should be considered feasible, even if they do not fit with the common sense meaning of 'feasible' as '*something that is capable of being successfully used*'. This implication was clear in the two cases occurred in the example of the city-state of God-Land.

In the first example, the action '*to share love with everyone who needs love*' was considered feasible because it was in accordance with the normative requirement: given that the assumed moral model of agent (San Francisco) would have been able to share love with everyone who needs love. I held that assuming the common sense definition of feasibility it is difficult to think that the action '*to share love with everyone who needs love*' can be considered feasible. In fact, we think that human beings usually are able to feel love (and share it) just for a particular kind of people; so, people are usually unable to share love with strangers. Or at least, human beings are not able to share love with everyone who needs love: it is difficult to think that people would be able to share love with Hitler, a rapist or someone who stole their bicycle, even if these persons needed love.

In the second example, the action '*to buy water*' was considered more feasible than the action '*to build a water spring*', even if, in order to be able to buy water, the internal product of God-Land should grow for the 50%. The action '*to buy water*' was considered more feasible because it did not require to undermining the existence of valuable facts. I held that assuming the common sense definition of feasibility it is difficult to consider the action '*to buy water (increasing the 50% the internal product)*' more feasible than the one '*to build a water spring (simply destroying the Holy-Cave)*'.

Therefore, these examples show that the normative criteria of feasibility lead to feasibility requirements that are incongruent with the common sense definition of feasibility. Then, I suggested analysing the normative criteria of feasibility

independently of any definition of feasibility. So, I held that they lead to circular arguments for the selection of soft constraints.

To sum up, the argument showing the circularity is this:

1. The normative theory M should conform to feasibility constraints;
2. Facts are feasibility constraints iff morally valuable (they bear certain values);
3. Normative theory M assumes morally valuable facts;
4. Therefore, a fact is a soft constraint iff the theory M assumes it is a soft constraint;
5. Therefore, normative theory M should conform to facts assumed by the normative theory M.

From which:

First premise, a fact is a soft constraint iff it bears the value A (it is normatively valuable);

Second premise, the fact-a bears the value A;

Conclusion, fact-a is a soft feasibility constraint.

The first premise is the normative criteria for the selection of soft constraints; and it takes this form when proponents of theory M adopt it in order to select soft constraints. The second premise states that a certain fact-a bears the value A. So, the theory M assumes that fact-a is normatively valuable. The conclusion states that the assumed fact-a is a soft constraint. I held that this argument is circular because: the second premise and the conclusion express the same proposition (they are equivalent and this is a form of weak circularity), since we adopt the normative criterion in the first premise. We understand it by substituting the second premise with the conclusion. So that *first premise*, a fact is a soft constraint iff it bears the value A (it is normatively valuable); *second premise*, the fact-a is a soft constraint; *conclusion*, the fact-a bears the value A. Hence, adopting a normative criterion the conclusion

follows from the second premise and the second premise follows from the conclusion.

However, not any circular argument is a bad argument. Some mathematical arguments are circular but we are used to consider them good arguments. Specifically, circular arguments are valid arguments and they can also be sound arguments. So, a circular argument is bad argument when its circularity is vicious. Thus, I try to show that this argument should be considered a poor one, because its circularity is vicious in most cases.

Let us first consider the example used by Sinnott-Armstrong to show what vicious circularity is and when it occurs. Let us suppose that Nancy introduces this argument to Oliver:

First premise, Ohio is the Buckeye State;

Second premise, Mary lives in Ohio;

Conclusion, Mary lives in Buckeye State.

This argument is circular because the second premise and the conclusion are equivalent (they express the same content), since when Nancy assumes the first premise. Despite the argument is circular, it is logically valid and it could also be sound if the premises were true. However, let us suppose that Oliver rejects the first premise and he argues that Indiana is the Buckeye State and not Ohio. Let us suppose that Nancy does not have any external evidence to show that her first premise is true. So, she can simply say, 'Ohio is the Buckeye State because I know that Ohio is the Buckeye State'. Of course, this reason is also the reason to hold that Mary lives in the Buckeye state (Nancy would hold 'Mary lives in Buckeye State because I know she lives in the Buckeye State'). So, Nancy would just repeat the argument without any further reason to hold her first premise: without any further evidence to hold that Ohio is the Buckeye State. In this case, Oliver can still reject Nancy first premise (Oliver can still hold 'No, Mary does not live in the Buckeye State, because she lives in Ohio. And Ohio is not the Buckeye State').

In other words, the first premise is questionable and because of this Sinnott-

Armstrong says that Nancy's argument is *vicious*. That is to say, when an argument lies on certain premises and the truth of these premises is questionable, it can happen that other people reject the premises and we have not (unquestionable) reasons to show them that they should not reject those premises. When this occurs, our argument should be considered *vicious*.

I ask to consider this idea of 'vicious circularity' to evaluate the selection of soft constraints through normative criteria. So, let us consider the usual argument:

First premise, a fact is a soft constraint iff it bears the value A (it is normatively valuable);

Second premise, the fact-a bears the value A;

Conclusion, fact-a is a soft feasibility constraint.

In this case, the normative theory M assumes that the fact-a is *normatively valuable* (because it bears the value A) and it is a *soft constraint*. The fact-a is both *normatively valuable* and it is a *soft constraint* because it bears normative/moral values. In other words, 'fact a bears moral value A' is the reason to hold both the conclusion and the second premise.

Now, let us suppose that Oliver (that is mostly sceptical) does not trust in the normative theory M. Let suppose Oliver trusts in the normative theory non-M and he argues that fact-a is not normatively valuable, because we should reject the first premise. So, let suppose that Oliver argues that the *first premise* should be 'a fact is a soft constraint iff it bears the value B'. In other words, let us suppose that there is disagreement about the normative reason to hold that a certain fact is a soft constraint. In this case, the proponent of the normative theory M can just repeat her argument without appealing to any reason that is external from M. So, Oliver would disagree again. In this case, I can say that the argument is vicious given that the normative disagreement is unsolvable.⁵⁰ The argument is insoluble if neither Oliver nor you change your normative theories.

⁵⁰ Maybe we could also say that the argument begs the question, given that the reason justifying the first premise is not independent from the reason justifying the conclusion.

So, cases of normative disagreement show that the circularity of this argument is vicious, given that there is not a reason external to the normative theories themselves to show that the premises are true. Normative criteria lead to arguments for the selection of soft constraints that are bad arguments. For this reason, normative criterion for the selection of soft constraints is sensitive to the following contradictory implication. Showing this implication I hope to discourage the reader to adopt normative criteria for the selection of soft constraints.

Let us suppose the case in which two scholars trust in two different normative theories but both of them would like to evaluate the feasibility of the prescription x in a certain context C . That is to say, let us suppose that both the normative theory M and the normative theory non- M formalise the prescription x . Thus, M and non- M have different reasons to hold the desirability of x , anyway they both agree in the fact that x is desirable. Now, let us suppose that the fact- a is normatively valuable given the value A assumed by the theory M , but fact- a is not normatively valuable given the values assumed by the theory non- M . So, let us assume that both theories do not appeal to other reasons in order to show whether fact- a is normatively valuable or not. In other words, theory M assumes that fact- a is a normatively valuable because it bears the normative value A assumed by M . The normative theory non- M assumes that fact- a is not normatively valuable because it does not bear any value assumed by non- M . So, M and non- M disagree whether considering the fact- a normatively valuable or not, because they disagree about normative values (and they will never agree⁵¹). Given the unsolvable disagreement between M and non- M in considering the fact- a normatively valuable, we should conclude that the fact- a *is* and *is not* a soft constraint for the implementation of the prescription x in the context C . This conclusion is contradictory and, dealing with a normative feasibility requirement, we cannot appeal to any other argument to solve this contradiction.

This last argument shows that when normativity (or morality) plays a role in the selection of soft constraints, normative feasibility requirements lead to vicious circular arguments for the selection of soft constraints. Finally, this vicious

⁵¹ If they would agree in the future, this would mean that one of the two theories is changed in a relevant way and it cannot be considered anymore the same normative theory.

circularity compromises the evaluations about the feasibility of prescriptions. Therefore, we should reject normative criteria for the selection of soft constraints.

Conclusion

In this part of the second chapter, I have shown that given a common sense definition, a prescription is feasible if and only if it is capable of being successfully used. Dealing with this definition and emphasising the relevance of soft constraints affecting the feasibility of prescription, *we have no reason to select soft constraints through a non-practical criterion*. So, thanks to this review about the normative feasibility requirements, I think I have shown that the interference of normative (or moral) arguments during the selection of feasibility constraints is *inappropriate* when we accept a common sense definition of feasibility. If we want that a certain prescription be feasible, we should select facts affecting its implementation and maintenance through a practical criterion.

It is obviously relevant that a normative prescription be implemented in a certain context through a way that is normatively acceptable, but I think that this problem does not matter for the feasibility in itself. Differently, I think that this problem regards the sphere of desirability of normative prescriptions.

If a certain prescription can be successfully implemented, but implementing it we violate all moral values assumed by our normative theory, the limit of that prescription is not the feasibility but its desirability. In other words, we would not say that it is unfeasible to implement that prescription; we would say that *it is not desirable* to implement that prescription. In the same way, if a certain prescription can be successfully implemented only stimulating the immoral or non-moral motivations of human beings, the limit of that prescription is not the feasibility. Rather, to could be undesirable to implement that prescription. Therefore, despite the moral costs of changeover or the coherence with the moral model of agent could be factors that we should evaluate when we want to implement a prescription, such factors do not affect the feasibility of prescriptions. These factors affect the desirability of prescriptions. In other words, if a feasible prescription brings to unjust

consequences when it is implemented in a certain context, it still remains a feasible prescription, even if it is not desirable.

Normative feasibility requirements ensure that prescriptions have not undesirable consequences during their implementation or maintenance. However, *not any evaluation* occurring during the phase of implementation and maintenance of prescriptions regards the *feasibility*. Some evaluations concern the *desirability* even if they occur when we pay attention to the consequences of implementation and maintenance in real contexts. The case of moral costs of changeover shows that evaluations concerning desirability can occur also during the phase of implementation of prescriptions and not only during the phase of theorization. Obviously, the consequences emerging during the phase of implementation could be undesirable, but this matters for the desirability of prescriptions. So, selecting constraints through normative criteria, we do not warrant the feasibility of prescriptions. Differently, we warrant that the consequences of the implementation of a certain prescription are desirable.

Distinguishing between these two phases (implementation/maintenance and formalization of normative political prescriptions), it is clear that problems concerning feasibility and desirability occur in both phases.

Otherwise, also Hahn and Rääkkä deal with the set of hard feasibility constraints in virtue of a practical argument: *'it is not practically possible to implement prescriptions that are not conform with this constraints'*. So, it is not clear why they introduce normative arguments to for the selection of soft feasibility constraints. I think there are no reasons to change the definition of feasibility and the criterion for the selection of feasibility constraints. If I think that it is opportune to select hard constraints among those facts that affect the practical possibility, why should we select soft constraints among those facts that are normatively valuable (in my opinion)? I think there is not a reason to change the meaning of feasibility depending on the kinds of constraints that we take in consideration. Hence, I think we should select soft constraints paying attention to the *practical* property (or properties) that facts have. The analysis of the practical properties of soft constraints is the focus of

the rest of my thesis and it starts with the review of the Gilabert and Lawford-Sith practical feasibility requirement in the next part of this chapter.

Of course, practical feasibility selective criterion avoids the normative circularity. Practical criteria to select feasible constraints evaluate the relevance of facts considering features that facts have by themselves; independently of the normative theory we trust. In particular, these criteria suggest that facts are soft feasibility constraints if they influence the probability of success of a certain prescription or if they make impossible to obtain a certain prescription in a certain context. By doing so, the prescription has a certain feasibility degree if it is to be *capable of being successfully used* for some degrees or if it is *capable of being successfully used* in a certain context. So, the requirement seem consistent with the common sense meaning of the term *feasible*.

Chapter 4

Practical Feasibility Requirement

Introduction

In this chapter, I will take into consideration a practical criterion for the selection of soft constraints. As in the case of normative criteria, here I suggest some guidelines to formalise a formal criterion inspired by previous contributions. However, differently from normative criteria, this practical criterion selects soft constraints independently of the moral or normative relevance of facts. This criterion selects soft constraints paying attention to the influence that certain facts have on the *probability of success* of a certain prescription in a certain context.

In the next part of this chapter, I will try to accurately review and analyse Jensen's, Gilabert's and Lawford-Smith's contributions about feasibility. However, it is necessary to preliminarily specify two differences between my account of feasibility and theirs.

First of all, these authors provide some guidelines that are useful to formalise a criterion for the selection of soft constraints. However, these authors *do not specify any formal criterion* for the selection of soft constraints, while I will formalise this criterion deducing it from their guidelines. Thus, all of them could disagree on my interpretation of their contributions. Consequently, all of them could reject the practical criterion I will formalise because it could be incoherent with their guidelines.

Second, I considered soft constraints those facts affecting the *contextual* feasibility as well as the general and contextual *feasibility degree* of prescriptions. Differently, Gilabert and Lawford-Smith consider soft constraints just those facts affecting the *contextual degree of feasibility* of prescriptions. I do not think that this difference has an impact on the formalisation of the practical criterion. Anyway, in this chapter I will pay attention only to facts affecting the contextual feasibility degree of prescriptions. I will adapt this criterion for my goals in the next chapter: in that way,

it can be useful to select facts affecting the contextual feasibility the general degree of feasibility too.

This part is divided in two sections.

In the first section, I deduce the practical criterion from the guidelines that the authors provide. I will conclude this section showing that a fact is a soft constraint for the (set of) prescription(s) x in the context C iff:

- a) It affects the probability of success of x in C ;
- b) It does (a) despite or because the interactions of C with other contexts;
- c) It does (a) now and in a predictable future;
- d) It exists in C independently of what people inhabiting C want

In the second section I will show which kinds of fact are feasibility constraints in Gilabert and Lawford-Smith account of feasibility. I will conclude that institutional facts, cultural facts and economic facts should not be considered feasibility constraints given the practical criterion for the selection of soft constraints. So, I will show that these *social facts* (which are usually considered uncontested soft constraints) do not matters for the feasibility of normative political prescription, because they do not satisfy the condition (d) of the practical criterion.

Selecting soft constraints: facts and probability of success

As I wrote in the introduction, in this part of the chapter I consider those contributions that try to provide a practical feasibility requirement. Authors as Jensen, Gilabert and Lawford-Smith purpose an important analysis about the selection of soft constraints. These authors call their conception of feasibility ‘political feasibility’ or ‘practical feasibility’; here, I use the term ‘practical feasibility’. The aim of these authors is to determine the feasibility conditions to *implement* and *maintain* normative political prescriptions (or political outcomes) in *peculiar contexts*. Here, I will review these contributions trying to systematise their content and trying to formalise a *practical* criterion for the selection of soft constraints.

I already remarked that these authors consider *soft constraints* just those facts affecting the *contextual probability of success* of a certain prescription. This is particularly clear in some of their quotes. So, I suggest moving exactly from these quotes, and then reconstructing the practical criterion step by step.

Lawford-Smith writes: 'an outcome [as normative political prescriptions] is binary feasible iff there exists an action such that the probability of the outcome given that action is greater than zero...the scalar feasibility of an outcome is equal to the probability of the outcome given the best action [to obtain that outcome]...The probability of the outcome is determined by the extent to which the best action clashes with soft constraints in producing the outcome'⁵².

This quote underlines the already clarified distinction between *binary* feasibility and *scalar* feasibility. Also in this case, the distinction is between facts that make *impossible* to *implement* and *maintain* certain political prescriptions (outcomes) and facts that make *improbable* to implement prescriptions. The former kind of facts affects the binary feasibility of normative political prescriptions, while the latter affect the scalar feasibility (the degree of feasibility) of prescriptions. In this part, I am clearly interested in those constraints affecting the scalar feasibility of prescriptions: so, a first main clause to select soft constraints should pay attention to those facts affecting the *probability of success* of normative political prescriptions. Hence, it seems to me that *soft constraints* should those facts that affect the probability of success that a certain prescription (or set of prescriptions) be implemented and maintained in a certain context.

That is to say, the first guideline to distinguish soft constraints from simple facts characterizing a context is *only those facts characterizing a context C and affecting the probability of success of a certain (set of) prescription(s) x are soft constraints for that (set of) prescription(s) x in that context C.*

⁵² Lawford-Smith, H. (2013), "Understanding Political Feasibility", *The Journal of Political Philosophy*, 21(3): 9-14.

This guideline suggests us to pay attention on those facts affecting the *probable success* of normative political prescriptions in circumscribed contexts. In the first part of this chapter, I showed that cultural, institutions, economy, motivational⁵³ and psychological features of human beings and state of technology are all good candidates to be soft constraints. However, not any fact belonging to these kinds of facts and characterising a certain context should be considered a soft constraint for any prescription in that context. At this first stage, just those facts influencing the probability of success could be soft constraints.

That is to say: given a certain (set of) prescriptions(s) x that can be implemented or maintained in a context C through the best action A , the degree of feasibility of x depends on the probability that agents inhabiting C successfully implement or maintain x when they perform A . The probability of success to implement or maintain x depends on the extent to which A clashes with *soft constraints*.

For example, let suppose we want that female people have the same rights of male people in an extremely culturally sexist society. Let us suppose that we want to implement a certain prescription such as '*both women and men have the right to marry whoever they want*'. This prescription implies that all women and men are allowed to choose their partners. Let us suppose that in our context men are used to choose their wives, but women are not allowed to choose their husbands, because the cultural practices are strongly sexist. In this case, we would say that the prescription clashes with the culture of the context, so it has not a full probability to be satisfied in that context. Hence, the sexist culture should be considered a soft constraint.

I translate the first guideline for the selection of soft constraints in a criterion such that

A fact is a soft constraint for the (set of) prescription(s) x in the context C iff:

a) *it affects the probability of success of x in C*

⁵³ As I will write, these authors consider *individuals' own motivations* as soft constraints only if they are independent from what individuals want. Therefore, individuals' own motivations affect the feasibility of normative political prescriptions only if they are determined by un-chosen causes (i.e. traumatic event, psychological illnesses, etc.)

Given this first rule, soft constraints are selected according to their relevance in a certain context, and their relevance in a certain context depends on their influence on the success of prescriptions. In this sense, the context in which a prescription should be implemented or maintained plays a central role in the definition of the set of soft constraints. However, a context can be characterised in different ways, since when it is a set of facts that are placed in a certain space at certain time. So, a context is a certain space at certain time and it is characterised by certain facts; these facts can influence the success of a prescription in that space and at that time but they can even lose their relevance: they can change or they can disappear. In a word, soft constraints are *malleable* and they can be *neutralised*⁵⁴.

In the next two paragraphs I will show that some facts *currently* affecting the probability of success of a prescription in a *politically circumscribed* space could be neutralized thanks to: i) the *network of political relations* of that context; ii) some *future* changing of the characteristics of the context. Hence, my aim is to show that appropriately considering the *network of relations* of a certain circumscribed spaces or *future improvements* some facts are not soft constraints, even if they can appear to be so at first glance.

Isolated vs. interacting contexts

In their contributions, Gilabert and Lawford-Smith emphasise the risk to *overestimate* the relevance of certain facts: the risk is to overestimate the impact of certain fact on the probability of success of prescriptions in a certain context. The risk of *overestimating* the relevance of certain facts occurs in the moment in which we analyse a certain context isolating it from its *network of relations*. The idea is that *spatially* circumscribed contexts are usually in relation with each other: they are mostly geographically in contact with other contexts, and they have relations with other contexts. In other words, spatially circumscribed contexts are politically,

⁵⁴ A soft constraint is neutralised when it does not affect the probability of a certain prescription anymore

economically and culturally related: so, they belong to a network of political, economic and cultural relations⁵⁵.

Given this network of relations, some facts characterising a specific context and affecting the success of certain prescriptions lose their relevance. In other words, the network of relations permits that ‘intervention’ of external agencies (representing other contexts) neutralises certain soft constraints that without this ‘intervention’ would affect the success of a prescription in a certain context. In this sense, in the moment we want to evaluate which facts are soft constraints, we should not isolate the context we are interested in from its network of relations.

About the influence of network of relations Gilabert writes: 'many poor nations do not have enough economic resources to secure the putative socioeconomic rights of their people. This would not show that there are no socioeconomic human rights. What it would show is that certain domestic duties to fulfill socio-economic rights cannot be fully met. But this still leaves open the possibility that there may be international duties to assist poor people in other countries...[about healthcare rights] if other countries have the medical technology that could help prevent diseases in the first country, then they should in principle make them available...International assistance regarding basic medical care has a level of moral urgency and feasibility that international assistance regarding advanced medical care does not have'.⁵⁶

I do not want to consider the normative content of this quote. What I am interested to show is that Gilabert explicitly claims that some facts that would constrain the feasibility of certain prescriptions in certain context lose their relevance thanks to international co-operation and international interventions. The quote shows two cases

⁵⁵ Poetically speaking, I could say that the network of relations expands the spatial dimension of contexts beyond its formally circumscribed boundaries. Even considering just physical facts, a context that is related with other contexts usually has some official headquarters in these other contexts. They have embassies offices, sometimes they military bases or just working offices in foreign countries. These are physical spaces that are parts of a circumscribed context but they are placed outside the boundaries of that context

⁵⁶ Gilabert, P. (2009), “The feasibility of basic socioeconomic human rights: a conceptual exploration”, *The Philosophical Quarterly*, 59(237), p. 671.

in which soft constraints are neutralised thanks to an external intervention. In the first case a prescription warranting a minimal level of nourishment could not be implemented in a certain context because of the scarcity of resources. In the second case a prescription warranting a basic level of medical care could not be implemented in a certain context because people inhabiting that context have not the necessary medical technology. In this sense, *scarcity of resources* and the *lack of technology* were soft constraints for those prescriptions. However, the author suggests that these constraints could be neutralised through the intervention of external agencies.

In the previous paragraph I formalised a *practical criterion* such that a fact is a soft constraint for the (set of) prescription(s) x in the context C iff: a) it affects the probability of success of x in C and. Taking in consideration the advice about the network of relations of a context I add the specification such as

‘Given C as *interacting spatially defined context*’. Where an *interacting spatially defined context* is a context that is formally defined by certain spatial coordinates and political boundaries, but it is also a context having relations beyond its boundaries with one or more other contexts.

So far, I argued that we should select soft constraints taking in consideration the relations of a certain context; the reason is that isolating a context from its network of relations we could *overestimate* the relevance of certain facts. This means that isolating a context, we can think that certain facts affect the probability of success of a prescription; but if we considered its relations with other contexts, we could easily understand that these facts do not affect the probability of success of that prescription. So, it is inadequate to select soft constraints isolating contexts because any analysis of soft constraints that isolate contexts risks the *overestimation* of certain facts. Furthermore, isolating a context, we risk *ignoring* other facts that affect the probability of success of a prescription. *Overestimation* and *ignorance* about soft constraints are *errors* that can have dramatic consequences during the implementation or the maintenance of normative political prescriptions.

The previous analysis about *overestimation* seems to suggest that a context interacting with other contexts is affected by less soft constraints than a context which does not interact with others. In other words, the amount of soft constraints affecting an interactive context seems to be smaller than the amount of soft constraints affecting the same circumscribed space when it is isolated from other contexts. Let us suppose that insulating the context C from its network of relations, we find out that a certain number n of soft constraints affects the success of a certain prescription x in C. Differently, evaluating the network of relations of C, the number of soft constraints influencing the success of x in C seems to be smaller than n . In other words, the relations among contexts *seem* to reduce the number of soft constraints affecting the success of a prescription in a certain context. However, this is a wrong conclusion.

In fact, the interactions of a context not necessarily reduce the number of soft constraints. There is not a reason to infer a reduction of soft constraints from the fact that a context interacts with other contexts. Thus, a unilaterally optimistic evaluation of interactions among contexts is inadequate. It is true that the relations among contexts *could* reduce the relevance of certain facts and neutralise them. However, the same relations *could not* reduce soft constraints or they could even *generate* other soft constraints. So, an analysis that takes in consideration the interactions among contexts is appropriate also because gives us the opportunity to evaluate those constraints *emerging* from the interactions among contexts: constraints that otherwise we would *ignore*.

Briefly, even if I agree on the idea that contexts interact with each other, the consequence of such interactions is not necessarily a *reduction* of soft constraints. On contrary, the number of soft constraints can also *increase* because of conflicting interactions.

For instance, let us suppose that the Franciscan monk living in God-Land would like to implement the prescription '*everyone has the right to basic medical care*' in the city-state of God-Land. We already know that God-Land is affected by severe scarcity of resources. Consequently, citizens of God-Land have not the medical resources to satisfy that prescription, so it is lowly feasible (or maybe unfeasible).

However, let us suppose that the water seller of Waterworld is also a traveling salesman for a transnational Medical Corporation. Let suppose that whatever the reason is (I guess it is not an ethical one), the Medical Corporation offers basic medical care to citizens of God-Land for free. In this case, the prescription ‘*everyone has the right to basic medical care*’ becomes highly feasible. Thus, analysing God-Land and its relations with other contexts, it seems that the soft constraint ‘scarcity of medicines’ disappears.

However, let us assume now, that the God-Grand-Vizier (that is still the main political authority in God-Land) finds out that people inhabiting the context No-God-Land do not trust in God (or they do not trust in the same God that people of God-Land trust). So, let us suppose that inhabitants of God-Land and inhabitants of No-God-Land start to have a conflicting relation. They start an escalation of tension and finally they start a war. Let us suppose that the transnational Medical Corporation does not want to work in a war-zone. So, it stops to medically assist God-Land citizens. In this case a sum of facts as the existence of a war and the will of the Medical Corporation board makes improbable to implement the health care prescription. Hence, soft constraints emerge because of the interaction among contexts. The conflict between contexts produces soft constraints, and the prescription ‘everyone has the right to basic medical care’ is lowly feasible in God-Land. Then I conclude that conflicting relation produces soft constraints⁵⁷.

In conclusion, it is false that soft constraints of an *interacting* context are less than the soft constraints of that same but *isolated* context. If we think that we should consider an interacting context, we should accept that facts characterising an interacting context could be *different* and *more* than facts characterising the same but isolated context. *Changing* and *growing* the number of facts characterising that context, the number of facts influencing the probability of success of a certain prescription could *change* and *grow* too. Therefore, the number of soft constraints

⁵⁷ Let us consider a real case. Palestinians have relations with people inhabiting other contexts (at least with Israelis): so, we can agree that Palestine has a network of relations. However, it seems difficult to suppose that Palestine would have more constraints if she would not have relations with others. In this case, a wide number of constraints emerges properly because of (conflicting) relations with other contexts.

could change and grow as well as decrease or stabilise. In other words, the fact that a context belongs to a network of relations does not say anything about the *number* of soft constraints that influence the success of a certain prescription in that context. In this paragraph, I introduced a specification of the practical criterion for the selection of soft constraints. Precisely, I specified that we should select soft constraints taking into consideration the relations that a context maintains with other contexts.

Given the specification, the practical criterion for the selection of soft constraints becomes:

A fact is a soft constraint for the prescription x in the context C iff:

- a) It affects the probability of success of x in C and;
- b) *It does (a) despite or because the interactions of C with other contexts*

Such a specification makes us aware about two kinds of soft constraints: first, those constraints that are proper features of a context independently of the network of relations of this context. So, those constraints that cannot be neutralised through the interaction with other contexts; second, those constraints that emerge in a context because of its relations with other contexts. Such a specification about the relational features of contexts allows us to avoid to *overestimate* and to *ignore* the relevance of certain facts.

Lapses of time and soft constraint: synchronic abilities, diachronic abilities

The third guideline to define a proper practical criterion for the selection of soft constraints is introduced by Jensen⁵⁸ and Gilabert and Lawford-Smith follow it in their contributions. For these authors soft constraints are those facts affecting the probability of success of a certain prescription in a certain context. In the previous

⁵⁸ Jensen, M. (2009), "The Limits of Practical Possibility", *The Journal of Political Philosophy*, 17(2): 168-184.

paragraph, I show that these authors pay attention to the network of relations of contexts in order to understand which facts are soft constraints. So, the formal spatial boundaries of a context are not sufficient to define the spatial limits of a context, because a context spatial dimension should include also the network of relations of contexts. Third guideline introduces the idea that we should not select soft constraints among those facts that only *currently* affect the probability of success of a certain prescription. So, a fact is a soft constraint only if it influences the probability of success now *and in a certain future*. The attention about facts influencing the success of a prescription in the future is justified by problems occurring in a situation such as the following one.

Let us suppose that in the interacting context C at time t_1 , the probability of success of (a set of) prescription(s) x is determined by the set of soft constraints $vC_x=[a, b, d, e]$. In other words, let us suppose that currently x clashes with these soft constraints. Then, let us assume that in the same context at same time, the (set of) prescription(s) y clashes the set of soft constraints $vC_y=[a, b, c]$. So, let us assume that the probability of success of x is 5% and the probability of success of y is 25%. Let suppose that y is only a little more desirable than x . In this case, it seems obvious to conclude that y has a higher probability of success than x in C : that is to say, y is more feasible than x in C . So, it seems plausible to suggest that we should implement y in C . However, Jensen and Gilabert suggest that at time-lapse t_2 , some changing could occur in C , and given these changing the facts characterizing C at t_2 are different than at t_1 . So, let us suppose that x clashes with facts a and b in $C-t_2$; while, y clashes with facts a, b, c in $C-t_2$. Let us suppose that x has the 50% of probability of success at t_2 , and y has still the 25% of probability of success at t_2 . When the facts characterising C change, the probabilities of success of x and y change⁵⁹. Hence, it is not so obvious to maintain that x is more feasible than y . Therefore; it is not so obvious to implement y instead of x .

This situation shows that some facts currently influencing the success of a prescription could lose their relevance in the future, so they would not be soft constraints in the future:

The third guideline for the selection of soft constraints says us that when we select soft constraints *we should consider those facts that affect the probability of success of a prescription now and in predictable future.*

So, it is not sufficient that a fact *currently* influences the success of a prescription. To be a soft constraint it should affect it also in a predictable future. Jensen introduces the distinction between *synchronic* abilities and *diachronic* abilities in order to provide a more articulated theoretical background to this idea.

Synchronic ability is a person's (or group's) ability to perform a certain action *now*. In the case in which I have a ball with me now, I can perform the action 'to kick the ball' now. In this case, Jensen calls my ability 'to kick the ball' synchronic ability. Diachronic ability is a person's (or group's) ability to perform a certain action *in the future*. In the case in which, I have not a ball with me now, but I will have in two hours, I cannot perform the action 'to kick the ball' now, but I can perform it in two hours. In this case, Jensen calls my ability 'to kick the ball' diachronic ability⁶⁰.

Given that I analyse the feasibility of normative political prescriptions, these two notions should be adapted to Normative Political Theory. So: first, a certain person or group has the synchronic ability to act in accordance with a certain (set of) prescription(s) iff this person or group has the ability to act in accordance with that (set of) prescription(s) *now*; second, a certain person or group has the diachronic ability to act in accordance with a certain (set of) prescription(s) iff this person (or group) will have the ability to act in accordance with that (set of) prescription(s) *in the future*. These notions are relevant to show why we should consider time lapses different from the current one during the selection of soft constraints.

Such a distinction between synchronic and diachronic abilities is meaningful for practical (political) feasibility. In fact, what authors suggest is that we could be able to act in accordance with a certain prescription in the future, even if we are not able to do it now. So, facts that currently influence our ability to act in accordance with

⁶⁰ This distinction is well known in the theories of ability. I will treat it by introducing Alfred Mele contribution in the third chapter

prescriptions are not soft constraints if they do not influence our ability in the future. However, the question is if the prescription(s) x is (are) not feasible now, why and how can it (they) be feasible in the future?

To answer this question, Jensen distinguishes between two kinds of diachronic abilities: *direct* diachronic abilities and *indirect* diachronic abilities. I try to simplify this distinction through two definitions.

I say that a person (or a group) have a *direct* diachronic ability to perform the action x iff that person (or group) cannot perform x now, but she (it) can perform x in the future without performing any particular *target-oriented-action* that enables them to perform x . Differently, a person (or a group) has an *indirect* diachronic ability to perform the action x iff that person (or group) cannot perform x now, but they can perform x in the future by performing a *target-oriented-action* that enable she (it) to perform x in the future. Where I define a *target-oriented-action* as an action that the agent performs just because she wants to be able to perform another action in the future.

So, let us suppose that the action x is ‘to sunbathe’. Let us suppose I am to the beach and the only necessary condition that I lack to perform the action ‘to sunbathe’ is ‘a sunny day’. Supposing that it will be sunny in two hours, I have not (and I cannot) to perform any target-oriented-action to be able to sunbathe. Now, I have a direct diachronic ability ‘to sunbathe’⁶¹. Differently, let suppose the action x is ‘to speak elementary German’ and let us suppose that to perform x it is necessary that I perform y ‘to study German’. Supposing that I am perfectly able to perform y , it is necessary (and perhaps sufficient) that I do it in order to be able to perform x (to speak elementary German). So, I have an indirect diachronic ability to ‘speak German’

This distinction is meaningful for normative political prescriptions too. I say that a certain (set of) prescription(s) x will be feasible in the context C thanks to a *direct*

⁶¹ Someone could argue that even if I have just to stay to the beach to sunbath, ‘*staying to the beach*’ should be considered a target-oriented-action to sunbath. This is true if I stay to the beach just because I want ‘to sunbath’ in two hours. However, let us suppose that I would stay to the beach for the next four hours even if there will not be the sun because of other reasons (for example the presence of certain women to the beach); then, my ‘staying to the beach’ is not target-oriented ‘to sunbathe’.

diachronic ability of a certain group of people iff it is not necessary that these people perform any target-oriented-action in order to be able to act in accordance with x in the future. For example, let us suppose that people inhabiting the context C want to perform the action 'to provide sufficient food to people living in poor contexts'. Let us suppose that they currently have not this food, but they will have in few months because the climate will be better in the next season. In this case, inhabitants of C have a direct diachronic ability to provide food for other people.

Differently, I say that a certain (set of) prescription(s) x will be feasible in the context C thanks to an *indirect* diachronic ability of a certain group of people iff it is necessary that these people perform a target-oriented-action in order to be able to act in accordance with x in the future. Let us suppose that in order to provide food for foreign people, inhabitants of C should start to cultivate much more lands. In this case, they can provide food for foreign people only if they perform the action '*to cultivate lands*' before. So, they have an indirect diachronic ability to provide food for foreign people.

Selecting soft constraints we should consider *both* direct and indirect diachronic abilities. Having a direct or indirect diachronic ability to act in accordance with a certain prescription x , means that x is feasible. Therefore, those facts that do not influence the success of a prescription now *and* in a predictable future are not soft constraints, because they do not undermine the synchronic ability *or* diachronic ability of people to act in accordance with a certain prescription. Consequently, *only those facts that affect the probability of success of a prescription now and in a predictable future are soft constraints.*

Considering this guideline in the practical criterion: a fact is a soft constraint for the prescription x in the context C iff:

- a) it affects the probability of success of x in C and;
- b) it does (a) despite or because the interactions of C with other contexts;
- c) *it does (a) now and in a predictable future*

The independence of what people want

The last guideline to define the features of soft constraints can be deduced from Gilabert's and Lawford-Smith's analysis of motivations and psychological facts. In this paragraph, I show that according to these authors, only some motivations and psychological facts should be considered feasibility constraints. Precisely I claim that according to Gilabert and Lawford-Smith: given the implementation of a prescription in a certain context, *only motivations and psychological facts that reduce the 'option set' of people inhabiting that context are feasibility constraints*. Analysing such a guideline, I claim that it leads to a more accurate rule such as *'only those facts that are independent of what people want are feasibility constraints'*.

Before I introduce the Gilabert and Lawford-Smith's argument about the relevance of motivations and psychological facts on feasibility, I think it is necessary to identify these two terms. These terms are undefined in the contributions I am reviewing, so I do not know if the authors would agree with my definitions. Anyway, let us define human *psychological facts* as *any event occurring in the mind of human beings*. Let us define human *motivations* as *any non-pathological psychological fact causing human's actions*.

Given these two wide meanings of psychological facts and motivations, I think everyone can agree on the idea that human beings' actions are determined by motivations and influenced by *pre-motivational* psychological facts (such as psychological pathologies). Consequently, the probability of success of a certain prescription could obviously be affected by motivations and psychological facts.

That is to say, if a certain (set of) prescription(s) x demands to a certain agent to perform the action $a-x$ and the agent is not motivated to do it, the probability that this agent will act in accordance with x is equal to zero. So, we would conclude that the probability of success of x is equal to zero in this situation. Furthermore, given a certain group of people, if *some* of the group members are not motivated to act in accordance with x , then the probability that these people would act in accordance with x is equal to zero. Consequently, *not any* member of the group will act in accordance with x . Hence, we would say that x is not fully feasible, because the

actions of some group members could affect the probability of success of x . So, the agents' motivations and psychological states of mind seem to constrain the degree of feasibility of prescription x , then agents' motivations seem to be soft constraints. However, Gilabert and Lawford-Smith hold that motivations and psychological facts are not feasibility constraints. Or better, *not all* motivations or psychological facts are feasibility constraints. This is clear in the following quote by Gilabert and Lawford-Smith:

We think that economic, institutional and cultural (including religious) constraints are clear cases of soft constraints...It is less clear how we should categorize motivational and psychological constraints. On the one hand, we might include psychological constraints only when they are pathological, and leave aside other kinds in addition to motivational constraints, because to include these would be to risk a cynical realism we should avoid. The fact that people do not want to do something does not mean that we should getting it done is infeasible, it just means we should think about how to change incentive structures and thereby change people desires⁶².

Lawford-Smith (2013) states that

Motivation seems like something we should exclude as a soft constraint. The fact that a person won't do what he ought is no reason to think he cannot do it...We surely do not want to say that the recommendations of one theory are less feasible than another just because people are less likely to try to realize the one than the other. Feasibility is a concept that treads a fine line between possibility, on the one end, and likelihood, on the other. The feasible does not extend to do everything and anything that could be possibly done, because that would leave in too many unrealistic recommendations. But neither does it extend only to what probably will be done, because that would leave out too

⁶² Gilabert, P. & Lawford-Smith, H. (2012), "Political Feasibility: A Conceptual Exploration", *Political Studies*, 60(4), p.813

many aspirational recommendations. At the extreme end of a continuum of pathologies, things like addiction, compulsion, phobia and illness can make a person unable to act in certain ways. But at the less extreme end of the continuum, these pathologies may be little more than a person failing to try...I think the right way to deal with the motivation question, which also helps in dealing with the problem of diachronic possibilities and option sets raised earlier, is to say that the *motivation of other people* is part of the context in which an agent acts, and therefore properly a soft constraint on whether her action will succeed. But her own motivation is not something to factor in; when we think about what is feasible for her we think about what she can do, and this depends only on what her options are⁶³.

These quotes are a good samples of the way in which motivations and psychological facts are approached in practical accounts of feasibility. A first intuition that seems me deducible from these quotes is that feasibility is different from the mere probability of success. So, if a prescription has a low probability to be successfully implemented or maintained in a certain context it does not necessarily mean that the prescription has a low degree of feasibility. This is clear when Lawford-Smith argues: 'Feasibility is a concept that treads a fine line between possibility, on the one end, and likelihood, on the other'. The idea is that feasibility is something more than mere probability of success. For this reason, not any fact influencing the probability of success is a feasibility constraint. Surely motivations and psychological facts affect the *probability* of success of a certain prescription in a certain context, but not all motivations and psychological facts affect the *feasibility* of that same prescription in that same context.

Consequently, only particular kinds of psychological facts and motivations affect the feasibility of normative political prescriptions: first, *psychological pathologies*; second, *others' motivations*. In Gilibert and Lawford-Smith account, any other kind

⁶³ Lawford-Smith, H. (2013), "Understanding Political Feasibility", *The Journal of Political Philosophy*, 21(3), pp. 14-15. Emphasis is mine.

of psychological and motivational fact should not be considered a feasibility constraint, because it does not constrain what people *can* (is able to do) do.

Let us have look on these soft constraints. *Psychological pathologies* are feasibility constraints since a person that is affected by a psychological pathology (such as compulsive behaviours) cannot (or is not fully able) to perform some kinds of action. For example, let us suppose that a certain prescription demands to wash hands no more than three times per day (in order to preserve scarce resources of water). Let us suppose that it should be implemented in a context that is populated by people having the compulsive need to wash their hands. In this case, the prescription is not fully feasible, because people inhabiting that context have low ability degree to act in accordance with it.

Others' motivations are motivations of people (or groups of people) that do not inhabit the context in which the prescriptions we are interested in should be implemented or maintained. Let us suppose that the group of people $I=(i_1, i_2, i_3)$ inhabiting the context C has to implement and maintain the prescriptions x . Let us suppose that another group of people $Y=(y_1, y_2, y_3)$ that do not inhabit C has certain preferences regarding x and generating certain motivations. Y 's motivations concerning x are said others' motivations. *Others' motivations* (e.g. motivations of the group Y) are feasibility constraints for the actions certain person (or group) I , since the success of the action of a person (or a group) I can be influenced by *motivated* actions of other people (or groups) Y .

The question is to understand if these constraints matter for the feasibility of normative political theories. In other words, it is necessary to understand in which sense psychological pathologies and others' motivations matter in normative political analysis.

In the first paragraph of this part of chapter, I stated that a fact is a soft constraint for a certain normative political prescription only if it influences the probability of success of a prescription. In *common* political contexts, a fact affects the success of a prescription (or set of prescriptions) when it regards a *large number of people*⁶⁴ inhabiting that context, or when it regards a *particular minority* of people that plays a

⁶⁴ It can be a fact that regards the majority or a numerous minority of people inhabiting the context

substantial role in political choices. For example, if the majority of people inhabiting a context compulsively needs to wash hands hundred times per day, a prescription demanding to wash hands three times per day would be lowly feasible. In the same way, if the King of a context compulsively needs to wash his hands hundred times per day, it is difficult to think that the King would implement a prescription demanding to wash hands three times per day. So, the prescription would be lowly feasible.

Fortunately, *psychological pathologies* (as the compulsion of washing hands) are spread characters just in contexts that usually cannot be defined ‘politically autonomous contexts’. Of course, I can imagine a political context in which the majority of people or a large minority has a particular psychological pathology. It seems *possible* that an autonomous political context such that could exist. However, I think that a political context such that never existed and I would bet that it would never exist. Contexts in which the majority of people (or a large minority) share the same psychological pathology are hospitals or rehab centres, but they are quite uninteresting cases in my thesis and it seems to me that those cases are interesting for ethical analysis. Differently, it seems much more realistic to imagine a context in which a politically dominant minority is affected by a psychological pathology. Of course, there are cases of ‘crazy’ emperors as Caligula or Nero in the ancient Rome. In these cases a psychological pathology could affect political choices and so it could constrain the feasibility of certain political prescriptions.

Therefore, it seems plausible to think that psychological pathologies are feasibility constraints in two cases: first, *in the unrealistic case* in which a large number of people inhabiting a political context are affected by the same pathology; second, *in the rare case* in which a politically dominant minority is affected by a certain pathology. In cases in which a small number of politically non-dominant people are affected by a psychological pathology, the actions of these people do not affect the success of a prescription.

Others’ motivations matter for the feasibility of a certain normative political prescription in the case in which: (some) people inhabiting a context want to act in accordance with a certain prescription but (some) people inhabiting another political

context are motivated in way that interfere with the actions of the former group of people. Let us suppose that people inhabiting the context C1 want to act in way $a-x$ that satisfy the prescriptions x . Let us suppose that $a-x$ can be successful only if people inhabiting the context C2 perform another action $a-y$. Let us suppose that people of C2 are not motivated to perform $a-y$, so they interfere in the success of $a-x$ and because of this the prescription x will not be successfully implemented or maintained. In this case, the motivations of people inhabiting C2 influence the success of x in C1 and for this reason they are feasibility constraints.

I use an example similar to the one used by Lawford-Smith to explain how others' motivations could play a role in a political situation.

Let us suppose that (some) people inhabiting certain country (namely, Sweden) want to satisfy the human rights of refugee for people escaping from a certain war context (namely, Syria). Let us suppose that Swedish can effectively implement these rights only if people escaping from Syria arrive in Sweden, and to arrive in Sweden it is necessary that escaping Syrians can travel through Europe. Let us suppose that to travel through Europe these people have to cross some boundaries of other political contexts. In this case, Sweden can effectively implement rights of refugee only if (some) people inhabiting other European contexts do not prevent Syrians to cross their boundaries. Let us suppose that (some) Hungarians are not motivated to leave that Syrians cross the Hungarian boundaries, so (some) Hungarians build a wall to prevent it. In this sense, the motivation of (some) Hungarians makes lowly feasible the effective implementation of the right of refugee in Sweden.

In the same way, let us suppose that certain people living in a certain context (namely, Switzerland) wants to preserve the existence of red squirrels in their environment and to do it they have to prevent grey squirrels from living in the Swiss forest⁶⁵. Let us suppose that people inhabiting a context close to Switzerland (namely, Italy) are totally indifferent about the colour of squirrels. So, a large number of grey squirrels populate Italian forests, and red squirrels are close to be extinct in Italy. Furthermore, let us suppose that Italians are also indifferent about the colour of squirrels inhabiting Switzerland, so Italians are not motivated to spend

⁶⁵ Because grey squirrels' virus kills red squirrels

resources to prevent grey squirrels from crossing the Italian/Swiss boundary. In this case, the actions of Swiss people ‘to preserve red squirrels’ are influenced by the Italians’ motivation to not spend money on migratory politics for the tutelage of red squirrels. So, Italian motivations influence the feasibility of ‘preserving red squirrels’ in Switzerland.

These examples show that there are situations in which *psychological pathologies* and *others’ motivations* can *indirectly*⁶⁶ influence the success of normative political prescriptions in political contexts. Although it is clear that psychological pathologies and others’ motivations are kinds of feasibility constraints, I think I should clarify *why* other psychological facts and motivations are not feasibility constraints. In other words, I just pointed out that psychological pathologies and others’ motivations can be feasibility constraints because they influence the success of prescriptions in certain contexts. However, also other psychological fact and ours’ own motivations affect the success of prescriptions. Why should we not consider them feasibility constraints?

Lawford-Smith specifies that psychological pathologies and others’ motivations are feasibility constraints because they constrain the option-set of ‘agents’: the set of all actions that are available for a certain agent. When a *fact* reduces the availability of a certain action *a*, that fact is feasibility constraint for that action *a*. Lawford-Smith’s argument is that others’ motivations and psychological pathologies affect the option set, while other kinds of psychological facts (as the agents own motivations) do not affect the option-set. That is to say, if a prescription demands me to perform the actions a-x but I have a psychological pathology that prevent me to perform the action a-x, then the action a-x does not belong to my option set. In the same way, if a prescription demands me to perform the action a-x but your motivated actions a-y prevents that I perform a-x, then the action a-x does not belong to my option set. Differently, if a prescription demands me to perform the action a-x but I am not

⁶⁶ They *indirectly* influence the feasibility because they are relevant only if an action (negative or positive) follows from these psychological facts. In other words, they are feasibility constraint on only in virtue of their actions causation.

motivated to do it, that action $a-x$ still belongs to my option-set. As I will show in a moment, I disagree with this last claim.

Given Lawford-Smith's analysis of feasibility, we should conclude that '*a fact is a soft constraint only if it constrains the agents' option-set in way that the agents have not the demanded action in their option-set*'⁶⁷. However, I think that any motivational fact reduce the set of available actions. So, any motivational facts could be considered a soft constraint given the rule just formalised. Unfortunately, both Gilabert and Lawford-Smith would not accept it⁶⁸.

I try to show that *any* motivation is a soft constraint if we select soft constraints in virtue of their impact on agents' option-set without any other specification. My argument is that first, any non-pathological and non-coerced human action is driven by its proper motivation, since I defined a motivation as the non-pathological/non-coerced cause of any human action; second, to have a certain action in my option set, I should have a proper motivation to perform that action. By consequence, any motivation to do the contrary of what is required excludes the related action from the agent option set. So, any lack of motivation constrains the option-set and then should be considered a feasibility constraint so far.

For instance, let us suppose the prescription x demands me to perform the action $a-x$. Let suppose that I am not motivated to perform the action $a-x$ because I simply *do not want* perform $a-x$. So, let us say that I have the motivation non- $m-x$. Since I have the motivation non- $m-x$, I cannot perform the action $a-x$. So, $a-x$ is not currently in my option set (it is currently out of my option set). So, in this case the lack of motivation leaves out $a-x$ from my option set: it means that since the motivation $m-x$ does not exist in my mind, the action $a-x$ is not in my option set. So, the action $a-x$ can belong to my option set only if I shape the motivation $m-x$ in my mind. Applying

⁶⁷ When an action does not belong to the option set of an agent, the agent cannot perform it. In collective contexts (such as the political contexts), psychological pathologies and others' motivations are soft constraints since when they can exclude some actions from the option set of a certain number of people. This means, that some people cannot perform those actions. So, if a prescription demands to people belonging to C to perform the action $a-x$ but the half of the population is affected by psychological pathology that prevent them to perform $a-x$, then half of population has not $a-x$ in its option set. In this sense, the feasibility degree of $a-x$ is equal to the 50%. Therefore, that prescription has not a full degree of feasibility.

⁶⁸ I do not accept this consequence too

the rule above, the motivation non-m-x is a feasibility constraint for the action a-x even if it simply the expression of something *I do not want to do*. In fact, non-m-x leaves the action a-x out of my option-set. So, it should be considered a feasibility constraint in accordance with the ‘option-set rule’ stated by Lawford-Smith. However, we cannot accept this conclusion.

If I am not motivated to pay taxes, I cannot not perform the action ‘to pay taxes’. That is to say, if there my motivation is ‘to do not pay taxes’, the action ‘to pay taxes’ is not in my option set. It could belong to my option set *before* I shape my motivation or in case I *modify* my motivation, but it cannot be in my option set when I am not motivated to perform it. Hence, in this case my simple motivation ‘I do not want to pay taxes’ excludes the action ‘to pay taxes’ from my option set and for this reason it should be considered a feasibility constraint in accordance to ‘the option-set rule’. Of course, both Gilabert and Lawford-Smith do not accept this implication. So, I think we should distinguish motivations that are feasibility constraints from motivations that are not feasibility constraints by considering an intrinsic feature of these facts: *their independence of what agent want*.

I think that what distinguishes ‘agents’ own motivations’ from ‘psychological pathologies/ others’ motivations’ is the *independence of what agents want* of the latter facts.

Psychological pathologies characterize a certain agents even if those agents do not want them; and even if those agents do not want to perform actions producing and maintaining those pathologies. For instance, let us suppose that the agent *a* is affected by schizophrenia, we can hardly suppose that *a* wants to be schizophrenic and we can hardly suppose that the agent wanted to perform certain actions knowing that those actions would have generate or maintain her/his pathology. Therefore, that what s/he wants does not contribute to generate or maintain that pathology. In the same way, others’ motivations are independent of what we want. That is to say: other people are motivated to do something even if we want that they are motivated to do

something else; other people are mostly motivated to do something even if we performed some actions that could have affected their motivations⁶⁹.

Differently, our own motivations preserve what we want. They exist because we want them exist.

Here, I define a fact as independent of what agents want when: i) it exists even if agents do not want that it exist and they did not perform any non-coerced/non-manipulated action in order to produce or maintain it⁷⁰; ii) or, it is the unexpected (unintended or accidental) outcome of non-coerced/non-manipulated agents' actions. Differently, it is not the case to consider a fact 'independent of what agents want' when i) it exist only if agents want that it exists and they produced or maintained it through some non-coerced/non-manipulated actions; ii) or, agents' do not want it but it is the expected (non-accidental) outcome of some non-coerced and non-manipulated agents' actions⁷¹.

For instance, let us suppose that I am the agent and I want to be drunk tonight, then I drink four gin-tonics and after while I am drunk. The fact that I am drunk depends of what I want: I wanted to be drunk, I performed certain actions and I am drunk. Furthermore, let us suppose that I am the agent and I do not want to be drunk tonight; however, let us suppose that I drink four gin-tonics knowing that I will be drunk after while. The fact that I am drunk is still dependent of what I want, since it is the expected outcome of actions I wanted to perform. That is to say, if I did not want to drink four gin-tonics, I would not be drunk. Therefore, the outcome 'to be drunk' depends on what I wanted to do⁷².

⁶⁹ It can happen that sometimes we influence or shape others' motivations by performing certain actions. In those cases, others' motivations cannot be considered feasibility constraints. However, accepting that some others' motivations does not depend on our actions we accept that there are cases in which others' motivations are feasibility constraints.

⁷⁰ In those cases in which a fact is the outcome of coerced or manipulated agents' actions, it is independent on what agents want since the agents did not perform the actions they have had performed. In those cases in which a fact is an unexpected outcome of agents' actions, it is an independent fact because I assume that agents' lost their control over the outcomes of actions.

⁷¹ A fact depends on what agents' want when it is the wanted outcome of non-coerced and non-manipulated agents' actions. Furthermore, a fact depends on what agents want when agents knew that they would have produced that outcome (or when they knew it was highly probable they would have produced) by performing those actions (even if they did not want to produce or maintain that fact).

⁷² In this second case, the agent (me) does not want the outcome in itself but he wants to perform actions which give rise to that outcome despite he knows he will get drunk. In other words, agent's actions preserve what the agent wants to do; the sum of agent's actions gives rise to the outcome (and

Psychological pathologies and others' motivations are feasibility constraints because that they exist even if the agent do not want they exist. Furthermore, it is not necessary that agents perform certain actions in order to generate or maintain their own psychological pathologies or others' motivations⁷³. Thus, psychological pathologies and others' motivations can be independent of what agents want. For this reason others' motivations and psychological pathologies are feasibility constraints.

Let suppose that agents *a*, *b* and *c* should perform certain actions *a-x* in accordance with prescriptions *x*. Let suppose *a* is affected by a certain psychological pathology that prevent her to perform *a-x*. Let us suppose that *b* is not motivated to perform *a-x* because she does not want. Let us suppose that *c* would perform *a-x* but she could do it only if *b* performs *a-x*, and *b* does not perform *a-x*. In this case: the agent *a* cannot perform *a-x* because of her psychological pathology, and *a*'s psychological pathology exists independently from what *a* wants; the agent *b* does not to perform *a-x* because she is not motivated, and her motivation is dependent (is the expression) of what she wants. That is to say, it is necessary that she does not want to perform *a-x* in order that the motivation to do not perform *a-x* does exist. So, *b*'s motivation to do not perform *a-x* exists only if she does not want to perform *a-x*; the agent *c* cannot perform *a-x* because of *b* does not perform *a-x*, and *b* actions and motivations exist independently from what *c* wants. So, *b*'s motivation exists even if *c* does not want that they exist. Nobody wants her psychological pathologies and (realistically) nobody perform action knowing that they will produce or maintain a psychological pathology. Moreover, other people have their motivations even if we do not want they have them, and even if we performed certain actions knowing them they could have modified their motivations. So, these facts exist independently from what agents want.

I will show how *the independence of what people want* is an important discriminating factor of soft constraints later on. Now, I point out that our own motivations are just the expression of what we want, so they are dependent on what

the agent know it). Therefore, the outcome cannot be independent of what the agent want to do. That is to say: what the agent wants (to perform the actions) is necessary to produce the expected outcome.

⁷³ That is to say, psychological pathologies and others' motivations are not necessarily the outcome of agents' actions

we want. This is the reason why I do not consider them feasibility constraint. I think that Gilabert and Lawford-Smith could agree on the idea that feasibility constraints are independent of what people want. Gilabert himself writes: ‘the fact that people do not want to do something does not mean that we should getting it done is infeasible’. So, I think the idea of the independence of what people want should be taken in consideration in a proper practical criterion for the selection of soft constraints. Then, I say that

A fact is a soft constraint for the prescription x in the context C iff:

- a) it affects the probability of success of x in C and;
- b) it does (a) despite or because the interactions of C with other contexts;
- c) it does (a) now and in a predictable future
- d) *it exists in C independently of what people living in C want*

The set of soft constraints: which kinds of facts?

So far, I have introduced the practical criterion to select soft constraint. Although a selective criterion is necessary, I have not shown which kinds of facts the literature considers soft constraints. In this paragraph, my aim is to show which kinds of facts are usually considered soft constraints and then I criticise this choice. So the set of soft constraints usually identified includes kinds of facts such as institutions, economy, culture, others’ motivations and psychological pathologies. Others’ motivations and psychological pathologies have been widely analysed before. Technological and medical limits have a particular status that I am going to consider immediately. Institutional settings, economic arrangements and cultural habits will be analysed after technologies (and medicine). My main aim is to show that institutional settings, economic arrangements and cultural habits are not independent from what people want. So, I hold that the set of soft constraints should not include them.

Global lack of technologies and medicines

As I already wrote, facts influencing the *contextual possibility* are considered *hard constraints* in Gilabert/Lawford-Smith account of feasibility. This is a first difference between my account of feasibility and theirs. In this sense, a certain *lack of technology and medicine* makes impossible to perform certain actions in certain contexts, so it affects the possibility to act in accordance with certain prescriptions in a certain context. Since when it affects the possibility (and not the probability of success) to act in accordance with a prescription, Gilabert and Lawford-Smith consider the lack of technology and medicine as hard constraints. Although the current analysis is about the selection of soft constraints, I think that the disagreement between my account and Gilabert/Lawford-Smith's account is not so relevant. I can call 'hard constraints' those facts that affect the contextual possibility to perform an action instead of calling them 'soft constraints': the name does not matter. What matters is the kind of technological and medical constraint that Gilabert and Lawford-Smith seems to take in consideration.

Precisely, Gilabert and Lawford-Smith seems to pay attention to the *global excellence of technology and medicine* as condition to perform certain actions; so just the *global lack of technology and medicine* is a feasibility constraint. I try to show what the global lack of technology and medicine is. I define *global excellence of technology and medicine* as the highest state of technology and medicine that exists in the world. For example, if a pill to cure Ebola has been developed in a Swiss lab, then the global excellence of medicine includes that pill to cure Ebola. In this sense, Gilabert would argue that *we do not lack the medicine* to cure Ebola. Then 'a pill to cure Ebola' is not a feasibility constraint in Switzerland *and* in any other context of the world. Consequently, if someone dies because of Ebola in Sierra Leone, nobody (no Sierra Leone's doctors too) can argue that this person died because of a lack of the medicine to cure Ebola, since Swiss lab has a pill to cure Ebola. Therefore, nobody lacks the pill to cure Ebola.

This interpretation of technological and medical constraints seems me to correspond with what Lawford-Smith and Gilabert argue in their contributions:

The lack of an existing technology now makes it impossible to implement a proposal that requires it, but once the technology has been developed, that will be no constraint at all⁷⁴.

Lawford-Smith argues that

Sometimes we do fly experts across the world to undertake actions that no one else can perform (think of medical specialists, neurosurgeons, forensic scientists and so on). An outcome can be feasible and yet not worth trying to bring about, because of the cost involved. Feasibility assessments are empirical assessments. We want to know whether an outcome can be brought about. If there's an agent somewhere in the world who has an action in her (its) option set with a positive probability of bringing the relevant outcome about, that outcome is feasible⁷⁵.

Gilbert:

The human right to basic medical care provides an example. Perhaps a country may presently not be able to secure freedom from all curable diseases. But if it can eradicate some, then it has the duty partially to fulfill this right. If other countries have medical technology that could help prevent diseases in the first country, then they should, in principle, make them available in fair ways. Here the difference between basic and advanced medical care is relevant, as even the wealthiest countries have to set limits on the extent to which they can supply medical care to their own residents. International assistance regarding basic medical care has a level of moral urgency and feasibility that international assistance regarding advanced medical care does not have⁷⁶.

⁷⁴ Lawford-Smith, H. (2010), *Feasibility Constraints for Political Theories*, PhD thesis, p. 107

⁷⁵ Lawford-Smith, H. (2013), "Understanding Political Feasibility", *The Journal of Political Philosophy*, 21(3), p. 7

⁷⁶ Gilbert, P. (2009), "The feasibility of basic socioeconomic human rights: a conceptual exploration", *The Philosophical Quarterly*, 59(237): p. 671

Once more it seems me that these authors assume that relations among contexts reduce feasibility constraints in particular places. In this quotes, it seems to emerge the idea that since a technology or a medicine has been developed, the country or the corporation that developed that technology or medicine would give it to contexts that need it. Alternatively, it seems that since a technology or a medicine has been developed, a context that needs that technology or medicine can (is able) to acquire it from the corporation or the country that develop it. As I pointed out before, the fact that contexts are related with each other does not imply that soft constraints affecting a specific context are less. In this case, the fact that a context C1 has a relation with a context C2 that developed a certain technology (or medicine) does not necessarily imply that C2 would give its technology to C1 or that C1 would be able to acquire that technology from C2. So, in principle, it is possible that people living in C1 lack a certain technology (or medicine) even if that technology exists in C2 and C1 has relations with C2. Therefore, in principle, the state of technology and medicine in a certain context is not necessarily equal to the global excellence of technology and medicine. Consequently, a certain context could lack a certain technology or medicine *now and in a predictable future*, even if this technology or medicine has been developed elsewhere.

However, practically, it seems plausible to accept that a context can obtain or acquire a technology (or medicine) that it needs if it interacts with another contexts having this technology (or medicine). So, if C1 is related with C2 and C1 needs the technology developed by C2, it seems plausible to think that people living in C1 will find a way to obtain that technology. In conclusion, I accept Gilabert's and Lawford-Smith's argument about technological and medical constraints because it is a good practical approximation of how technologies and medicines affect the feasibility of certain prescriptions in certain contexts in the real world. Therefore, a certain lack of technology or medicine is a feasibility constraint only if we lack that technology or medicine in each part of the world.

Social Facts

In this paragraph, I consider whether or not institutions, economic facts and culture are really soft constraints. In order to avoid listing all these kinds of facts, I call them *social facts*. My first aim is to point out the banal observation about social reality: *social facts can exist in a context only if human beings do exist in that context*. I will use this observation to reinforce the assumption that *social facts are all implemented and maintained by human beings through human activity*. So, social facts characterizing a certain context are implemented and maintained by members belonging to the group that inhabit that context. For this reason, *social facts cannot be considered independent of what inhabitant of a context want*. Therefore, social facts do not respect the condition (d) of the practical criterion for the selection of soft constraints. Therefore, *social facts are not feasibility constraints*.

First of all, let me start this analysis with a rough definition of institutions, culture and economy. I do not provide strict definitions of these terms. Consequently, the definitions of institutions, culture and economy overlap for some regards. This means that a fact that can be consider 'institutional' in a certain context (for example a certain procedure) could be also a cultural or economic fact in that same context. Also for this reason, I absorb institutional, cultural and economic facts under the label *social facts*.

The following definitions of the term 'institution' are useful to provide a rough, broad, but plausible definition of institutions.

Hodgson argues that 'Institutions as systems of established and prevalent social rules that structure social interactions. Language, money, law, systems of weights and measures, table manners and firms (and other organizations) are thus all institutions'⁷⁷. Knight says that '[institutions are] set of rules that structure social interactions in particular ways'⁷⁸. Jonathan Turner states that 'a complex of positions, roles, norms and values lodged in particular types of social structures and organising

⁷⁷ Hodgson, M.G. (2006), "What are institutions?", *Journal of economical issues*, 10(1), p. 2

⁷⁸ Knight, J. (1992), *Institutions and Social Conflict*, Cambridge: Cambridge University Press., p. 2

relatively stable patterns of human activity with respect to fundamental problems in producing life-sustaining resources, in reproducing individuals and in sustaining viable societal structures within a given environment⁷⁹.

According to Ostrom:

Broadly defined, institutions are the prescriptions that humans use to organize all forms of repetitive and structured interactions including those within families, neighbourhoods, markets, firms, sports leagues, churches, private associations and governments at all scales. Individuals interacting within rule-structured situations face choices regarding the actions and strategies they take, leading to consequences for themselves and for others⁸⁰.

Given these definitions, I think it is possible to underline some recurring elements ascribable to institutional facts: first, institutions are sets of prescriptions that are embedded in rules or procedures (they have the form of rules and procedures) and that explicitly or implicitly take the form ‘agents A ought to do X in situations S’; consequently, their function is to organise the human activity and the interactions among people and to create a patterns of behaviours. In other words, institutions organize certain human actions. Furthermore, institutions are related to a certain context in which they exist: so, they *contextually exist*.

Given these features, I define (for the rest of the thesis) *institutions* as *sets of rules and procedures that organise specific actions of human beings under a certain context*.

Let me define the term ‘culture’. If an ‘umbrella’ term does exist, this is the term ‘culture’. Trying to provide the first definition of culture, E.B. Tylor wrote that it is

⁷⁹ Turner, J. (1997), *The Institutional Order: Economy, Kinship, Religion, Polity, Law, and Education in Evolutionary and Comparative Perspective*, London: Longman., p. 6

⁸⁰ Ostrom, E. (2005), *Understanding Institutional Diversity*, Princeton: Princeton University Press., p.3

'that complex whole which includes knowledge, belief, art, morals, law, custom and any other capabilities and habits acquired by man as a member of society'⁸¹.

I deny the determinism that such a all in definition implies⁸², but I think that it is useful to recognise the 'cultural facts' and their relation with groups. The 'cultural facts' are knowledge, beliefs, arts, morals (beliefs about values), customs (including languages and hared symbols) and widely accepted in a certain context. All of these facts include prescriptive or descriptive contents such as 'agents A ought to do X in context C' or 'subject S is A in context C'. Cultural facts are related to groups: so, any cultural fact exists only if groups of people exist and accept them (recognise them as true and right). Different groups of people (inhabiting different contexts) are subjected to different 'cultural facts'. So, we say that there exist the culture of group A, the culture of group B, the culture of group C and so on. Combining the cultural facts and their relations with groups we can say for example that the value A is part of the culture of the group A, the habit A is part of the culture of the group A, the value B is part of the culture of group B, the habit B is part of the culture of the group B and so on.

Given these two features of culture, I suggest to use the definition of culture provided by the Cambridge English Dictionary. Hence, *culture* is '*the way of life, the general customs and beliefs, of a particular group of people at a particular time*'.

Last, I try to define the term 'economy'. The dictionary defines 'economy' as the 'system or range of economic activity in a country, region or community'. Where, 'economic activity' is 'the complex of human activities concerned with the production, distribution and consumption of goods and services'. Combining these two definitions, I define 'economy' as the '*system or range of human activities concerned with the production, distribution and consumption of goods and services in a country, region or community*'.

⁸¹ Tylor, E. (1920), *Primitive Culture*, New York: J. P. Putnam's Sons., p. 1.

⁸² I do not think that a certain human being is capable of performing only actions that she learned how to perform from her cultural environment. Anyway, I do not explain why I reject determinism. Let us just consider that if we were able to perform only those actions that we learned from our cultural environment there would not be any human development: probably we would still eat roots and we would not stand upright

For the purposes of this chapter and the following one, it is important to underline that adopting this definition of economy, *the amount of resources* characterizing a context is *not* part of the economy of that context. I mean that a resource is a brute fact that could ‘naturally’ exist in a context or that could be the *outcome* of human activities, but *it is not* a human activity⁸³. It is important for me to underline that economic arrangements (the economic activities) are strictly related with groups of people inhabiting a context. That is to say, different groups of people have different economic arrangements. Furthermore, similar groups of people inhabiting contexts characterised by similar amount of resources could have different economies⁸⁴.

Through this shallow terminological analysis, I want to underline a banal property of *social facts*: institutions, culture and economy characterising a certain context are facts that depend on the existence of human beings. That is to say: if no human being existed in a certain circumscribed space at certain time, then no (human) institutions, no (human) culture and no (human) economy (as I defined them) would exist in that space at that time. So, I claim that *social facts can exist in a context only if human beings do exist in that context*. This claim reinforces the assumption that social facts are *implemented and maintained* by human beings through *human activities*. So, there is a causal relation between human activities and social facts existence, where human activities cause social facts. As Searle pointed out: ‘social order is not part of the “nature of things,” and it cannot be derived from the “laws of nature.” Social order exists only as a product of human activity’⁸⁵.

I assume that a context is characterised by certain social facts only if human groups inhabiting that context *implement* or *maintain* those social facts through some kinds of activities. Given this, it is possible to have two alternatives: first, it is possible to

⁸³ Also what we call ‘economic resources’ (raw materials and human capital) are not the economy of a context. They are brute facts, they are not human activities

⁸⁴ A context can have an n barrels of oil because its economic activities are based on the import of oil; a context can have the same n barrels of oil because its economic activity is based on the search of oil around the world; a third context can have the n barrels of oil simply because they have it underground. In these cases the economies are different but the final amount of oil is the same

⁸⁵ Someone could argue that the contrary is also true: *human beings can exist in a context only if social facts do exist in that context*. Despite I think this statement is not true (if I currently stay in my flat and all my material needs are satisfied *I can currently exist in my flat even if social facts do not currently exist in my flat*. Maybe I can just exist for a short period of time, but I can). I am not interested to argue about this. For my argument it is just important that the claim: *social facts can exist in a context only if human beings do exist in that context* is true

hold that social facts are implemented and maintained by human beings but they exist independently of what human beings want; second, it is possible to hold that social facts are implemented and maintained by human beings, so they do not exist independently of what human beings want. Hence, it is not the case that they are independent of what human beings want. I think that the second conclusion is much more plausible than the first one. If I am right, social facts do not respect the rule (d) of the criterion to select feasibility constraints: they are not independent of what people inhabiting a context characterised by those social facts want.

Let us consider an extreme case. Let us assume that only three human beings a , b and c live in the isolated context C (space s at time t). So, nobody interact with this group of people living in the space s at time t and because of this, I surely hold that the group is autonomous. Let us suppose that a , b and c follow the rule x , they speak the language y and they have the economic activity z . Let us suppose that to do it they perform the actions $a-x$, $a-y$ and $a-z$. So, let us suppose that there is a causal relation between the activity of C inhabitants and social facts characterizing C such as the actions $a-x$, $a-y$ and $a-z$ of C inhabitants produce C social facts x , y and z . Now, the question is. Is it plausible to think that nobody of these three individuals wants that the rule x , the language y and the economic activity z ? Is it possible to think that nobody of them wants that the actions $a-x$, $a-y$ and $a-z$ be performed?

In my opinion, social facts x , y and z depend on what C -inhabitants (at least one C -inhabitant) want. Let us consider the two following abstract situations.

Let us suppose the situation in which a performs the action $a-d$ determining that b and c perform $a-x$, $a-y$ and $a-z$ (for example she drugs them). Let us suppose that a does know that performing $a-d$, b and c will perform $a-x$, $a-y$ and $a-z$ and she knows that this will produce x , y and z . Of course, I cannot say that b and c wants to perform $a-x$, $a-y$ and $a-z$. Differently, I should say that a wants to perform $a-d$ and wants to obtain x , y and z (because a knows that performing $a-d$ she produces x , y and z). So, this is not sufficient to hold that all inhabitants of C want x , y and z , but it is sufficient to say that some (a) inhabitant of C wants to obtain x , y and z . In other words, x , y and z would not exist in C if nobody inhabiting C wanted that x , y and z

do exist in C. So, it is sufficient to hold that it is not the case that x , y and z are independent of what people living in C want.

Unfortunately, this case does not prove that some non-coerced/non-manipulated inhabitants' actions are necessary in order that social fact does exist. It does not prove it because I *assumed* that a wanted to obtain x , y and z .

To prove that social facts can exist in a certain context only if at least one inhabitant of that context wants that they exist, I should assume that *no inhabitant of C wants that x , y and z do exist*. Let us consider two cases in which it seems that the existence of x , y and z in C is independent of what inhabitants of C want. The first realistic case is the one in which social facts x , y and z emerged before a , b and c birth. The second less realistic case is the one in which a , b and c do not know that their actions implement (produces) x , y and z . In both cases, it seems plausible to argue that it is not necessary that a , b and c want x , y and z in order that x , y and z exist in C. Furthermore, it is not necessary that a , b and c perform certain actions which expected outcomes are social facts x , y and z in order that x , y and z do exist in C. Therefore, the implementation of social facts in a certain context could be independent of what people currently inhabiting that context want.

Case one. Let us suppose the situation in which a , b and c were born in the context C which was already characterised by social facts x , y and z in the moment of their birth. In this case, a , b and c did not perform any action to implement (cause) x , y and z ; so, they did not want to implement (cause) x , y and z .

Case two. Let us suppose the situation in which a , b and c perform the actions $a-x$, $a-y$ and $a-z$ without knowing that through these actions they would implement facts x , y and z (maybe they wanted to produce other social facts w , k and q ; or maybe they did not want to produce any social fact, they just wanted to have fun). In this case, a , b and c do not know the consequences of their actions $a-x$, $a-y$ and $a-z$; so it seems hard to say that a , b and c want to implement x , y , z or to say that x , y , z are expected outcome of what a , b , c want.

In these cases, it is true that a , b and c do not want to implement x , y and z and they could not know that x , y , z would emerge. So, it seems that x , y and z do exist in C independently of what a , b and c want. However, social facts are *continuous* facts:

they are facts that do exist over time. Furthermore, to exist over time, social facts needs to be maintained and the first step to maintain a social fact is to *accept* it and perform actions that maintain them. As Searle notes, 'institutional [social] facts only exist in virtue of collective acceptance of something having a certain status, where that status carries functions that cannot be performed without the collective acceptance of the status'⁸⁶ and 'Social order exists only as a product of human activity'⁸⁷.

Thus, x , y and z do exist in C over time, only if someone living in C accepts that x , y and z do exist in C over time or someone perform certain actions that maintain them over time. In other words, the emergence of a social fact can be independent of what people living in a certain space want: the social fact can emerge before the birth of the people currently inhabiting the context or it can accidentally emerge. However, it seems me not plausible that a social fact continuously characterise a context if nobody wants it or if nobody performs some actions maintaining it. Hence, if inhabitant of C maintain social facts x , y and z , it means that some (at least one) inhabitant of C accept x , y and z : they wants to maintain x , y and z ; or (at least) they perform some actions which expected outcome is the maintenance of x , y and z . Therefore, it seems me not the case that x , y and z are independent of what people living in C want.

In general: it seems me not the case that social facts existing in a certain context are independent of what people living in that context want. Hence, social facts do not respect the clause (d) of the practical criterion for the selection of soft constraints: a fact is a soft constraint for the prescription x in the context C iff it affects the probability of success of x in C and; d) *it exists in C independently from what people belonging to C want*. Therefore, social facts are not feasibility constraints.

If I am right to exclude social facts from those kinds of facts that should be considered feasibility constraints, the set of constraints would just include logic rules, physical and biological laws, the global lack of technologies and medicine, others'

⁸⁶ Searle, J. (2005), "What is an institution?", *Journal of Institutional Economy*, 1(1), p. 9.

motivations and (in particular rare cases) psychological pathologies. It seems that all these facts affect the (universal or contextual) possibility to implement a prescription. Given these kinds of facts, only others' motivations can influence the probability of success of normative political prescriptions. So, only others' motivations are soft constraints in Gilabert/Lawford-Smith terms.

In the next and last chapter, I will provide an alternative set of soft constraints. My aim is to show that there are other facts influencing the contextual possibility to implement a prescription and the degree of feasibility of a prescription. In particular, I will adopt a certain refinement of the criterion for the selection of soft constraints introduced above. So, I will suggest that contextual feasibility, the general degree of feasibility and contextual degree of feasibility are influenced by frustrated human needs and lacking material conditions.

Chapter 5

Material resources and human needs as soft constraints

Introduction

In this last chapter, I analyse which facts are soft constraints given an *extended* version of the criterion for the selection of soft.

The chapter is structured in four parts. In the first part, I extend the *a*-clause of the criterion for the selection of soft constraints. By extending that clause, I include into set of *soft constraints* those facts *undermining* the *feasibility* of prescriptions *in certain contexts* and those facts *influencing* the *general feasibility degree*. Thus, also those facts affecting the *contextual possibility* and the *general degree of ability* to act in accordance with a certain (set of) prescription(s) are soft constraints.

In the second part, I analyse the notion of feasibility in relation with the notion of ability. This step is necessary to understand which facts could indeed affect feasibility. I hold that those *facts excluding some actions from the agents' option set* and those *facts affecting the agents' ability to be motivated* to perform certain actions could be feasibility constraint.

In the third part, I suggest that *lacking material resources could* exclude some actions from agents' option set. Therefore, those lacking material resources that do it and respect all the other clauses of the criterion are feasibility constraints. I will emphasise that material resources undermining the general feasibility (making *worldwide impossible* to act in accordance with prescriptions *now and in a predictable future*) are feasibility constraints, but it is not possible to know if they are *hard* or *soft* constraints.

In the fourth part, I suggest that *frustrated human needs* could influence the agents' ability to be motivated to perform certain actions. Therefore, all those frustrated human needs that do it and respect all the other clauses of the criterion are feasibility constraints. I will hold that *absolute* and *entrenched* human needs can affect the ability to be motivated of human beings and they can respect the other clauses of the criterion: in particular, they are independent of what agents want and they exist now

and in predictable future. Therefore, the frustration of these needs constrains the feasibility of prescriptions.

Extended a-clause

Here, I extend the first rule of the criterion for the selection of soft constraints in a way that it can include also those facts affecting the *contextual possibility* and the *general degree of feasibility* to act in accordance with a certain (set of) prescription(s)⁸⁸. Hence:

A fact is a soft constraint for the (set of) prescription(s) x iff:

- a) it influences the probability of success of x in general; or it influences the probability of success of x in the context C ; or it undermines the possibility to act in accordance with x in the context C ;
- b) it does (a) despite or because the interactions among contexts;
- c) it does (a) now and in a predictable future
- d) it generally exist (or exists in C) independently of what people (or C inhabitants) want

I do extend the category of soft constraints to those facts undermining the *contextual feasibility*. That is to say, all those facts *undermining the possibility* to implement or maintain a (set of) prescription(s) in a certain *contexts* are soft feasibility constraints. I do so because a prescription that is not conform to one of these facts could be unfeasible just in those contexts in which that fact does exist. In any other context in which that fact does not exist the prescription is feasible⁸⁹, then that prescription is a

⁸⁸ This is an obvious remark to make the criterion as clear as possible. I remember that the original criterion considers soft constraints only those facts that affect the contextual degree of feasibility. This extended version *does not exclude those facts influencing the contextual degree of feasibility*, but it includes also other facts undermining the contextual feasibility or influencing the general feasibility degree.

⁸⁹ Assuming that no other fact undermines the feasibility in those contexts.

normative political prescription even if it clashes with that fact⁹⁰. Since I defined hard constraints as ‘all and only those facts undermining the possibility to act in accordance with a certain prescriptions at any place and time of the world’ (so in any context in which human beings can live), facts affecting the *contextual possibility* cannot be hard constraints. They cannot be hard constraints because they do not exist in any place of the world or at any time.

I do extend the category of soft constraints to those facts influencing the *general degree of feasibility*. That is to say, all those facts *influencing the probability* to implement or maintain a (set of) prescription(s) in generally spread circumstances are soft feasibility constraints. I do so, because I recognise that there are facts that affect the degree of feasibility of normative political prescriptions independently from the context in which we want to implement and maintain those prescriptions. These facts are generally spread: they are characteristics of any Earth context or characteristic of any human being now and in a predictable future. Since they are generally spread, there is no reason to think that they cannot generally *influence* the success of prescriptions.

Feasibility/Ability

In this paragraph I want to analyse the relation between *feasibility* and *ability*. I think that the criteria to select feasibility constraints should be formalised in a way that warrants that human beings and groups of human beings be *able* to perform the actions that prescriptions demand. This means that first of all, it is necessary to define what *being able* means. Although a critical analysis of the concept of *ability* would be extremely interesting, I do not provide it. Differently, I just sketch the notion of ability that I think is functional for the analysis of feasibility of normative political prescriptions, since I think that feasibility and ability are strongly related. My aim here is to clarify what *contextual feasibility*, *general feasibility degree* and

⁹⁰ In the second chapter I maintained that hard constraints are those facts making impossible to act in accordance with a certain prescription in any place at any time. Being impossible in any place at any time to act in accordance with a prescription, the prescription should not be considered a normative political prescription (since no punishable law should be deduced from it).

contextual feasibility degree of normative political prescriptions mean in term of *abilities*. This is useful in order to address and justify the *choice of feasibility constraints* that characterise my further analysis in the rest of this thesis.

At the end of the first chapter, I held that a prescriptive normative political theory is feasible iff it is *possible* for human beings to perform the action that the prescriptions demand 'or' human beings are *able* to perform the actions that the prescriptions demand. Where, I meant that a prescriptive normative political theory is a theory that provides a set of normative political prescriptions. This definition seems a plausible one, however it is different from the commonly accepted notion of feasibility such as something (in this case a (set of) prescription(s)) is said to be feasible iff it is *capable* of being successfully used.

I think that the plausibility of my definition of feasibility is due to the fact that it is a 'active' definition of feasibility that coexist with the common sense 'passive' definition of feasibility. In other words, the *capability* of being used of a certain (set of) prescription(s) *necessarily implies* the *ability* of some agents to 'use' that (set of) prescription(s). Precisely, the capability of normative political prescriptions of being *implemented* and *maintained* necessarily implies the ability of human beings to implement and maintain prescriptions. Let us see why.

Preliminarily, it is important to point out that both abilities and capabilities (as feasibility) are properties of certain subjects that could be expressed through the auxiliary 'can'. So, the sentences 'John can ride horses' and 'my mobile can surf on Internet' are both characterised by the use of the auxiliary 'can'. Anyway, they differ in the nature of their subjects. Obviously, the 'can' of the first sentence is related to an *alive* subject (the human being John); differently, the 'can' of the second sentence is related to an *inanimate* object (my mobile). So we say that the first sentence identifies a certain John's property (his ability to ride horses); while, the second sentence identifies a certain property of my mobile (his capability to surf on internet). So far, I suggest using the term *ability* exclusively to properties of living beings, while the term *capability* can also be referred to inanimate objects.

Given that normative political prescriptions are inanimate objects, their property of being feasible can just be defined as a capability, so it seems terminologically

inappropriate to connect the feasibility of prescriptions with *abilities*. However, feasibility as ‘the capability of an inanimate object of being successfully used’, presupposes a second subject, namely, a *user*. Specifically, here feasibility is the capability of normative political prescriptions to be successfully *implemented* and *maintained*. ‘To be implemented’ and ‘to be maintained’ are passive verbs, so they implicitly need some user that actively *implement* and *maintain* normative political prescriptions. Implicitly and obviously, the *exclusive* ‘users’ of normative political prescriptions are human beings, and human beings *can* implement and maintain normative political prescriptions only if they are *able*. So, that is why the property ‘feasibility’ predicated of prescription is related to the abilities of human beings.

Now, I sketch the notion of ability that I think concerns the feasibility of normative political prescriptions. So, I try to define the boundaries of the ‘abilities’ that play a role in the evaluation of feasibility.

The main distinction in the debate about the concept of abilities is the one between ‘general’ and ‘specific’ abilities. In this paragraph I consider two different ways to approach this question. The first way (purposed by Mele⁹¹) is useful to draw the distinction between synchronic and diachronic abilities. The second way (purposed by Maier and close to Lawford-Smith’s idea of option set) provides a robust understanding of the notion of abilities that can coexist and can be combined with the distinction between synchronic and diachronic abilities.

Let me first introduce the notion of general abilities provided by Mele and inspiring Jensen. Following Jensen, I maintained that a (set of) normative political prescription(s) is feasible when a group of human beings has the ‘synchronic’ or the ‘diachronic’ ability to perform the actions that the (set of) prescription(s) demands (clause *c* of the criterion for the selection of soft constraints). The distinction between ‘synchronic’ and ‘diachronic’ abilities is largely inspired by the distinction between ‘specific’ and ‘general’ abilities’ provided by Mele. Mele defines general abilities as ‘the kind of ability to A that we attribute to agents even though we know

⁹¹ Mele, A. (2002), “Agents’ Abilities,” *Noûs*, 37: 447-470.

they have no opportunity to A at the time of attribution and we have no specific occasion for their A-ing in mind⁹². General abilities are those abilities we attribute to an agent when we suppose that she could show them in certain circumstances (if she has the opportunity to do it). They are abilities that the agent does not show in the moment of the attribution because she currently has not the opportunity and maybe she will never have; however, in the moment of the attribution we think that the agent would be able to perform the act we attribute if she has the opportunity. For example, let us suppose the ability ‘to score a penalty goal’. I can say to have the general ability to ‘to score a penalty goal’ iff I suppose I would score a penalty goal if I have the opportunity, but I have not the opportunity to show it now (maybe because I am in my bed or because I broke my feet) and I do not know if I would ever have it. Differently, specific abilities are traditionally defined through the conditional analysis. So we say that ‘the agent S has the [specific] ability to A iff S would A if S tried to A’⁹³. This means that specific abilities are those abilities that the agent has in the current circumstance and she would show them if she tried. So, I can say that I have the specific ability ‘to score a penalty goal’ iff I would score a penalty goal if I kick a penalty goal now.

The existence of both general and specific abilities is important to draw the difference between synchronic abilities and diachronic abilities. In fact, it presupposes that we can attribute certain ability to an agent in both cases: either when she would perform a certain act if she would try to do it now, or in the case we suppose she would perform that act if she has the opportunity now or in the future. That is what Jensen suggests when he supposes that an agent (or a group) has certain ability either if she/it has it now or if she/it will have in a predictable future. Although the distinction between general and specific abilities directly inspired the analysis about feasibility of normative theories, it is still not clear what ‘to be able’ means. Maier theory of abilities seems to be more accurate in this.

Maier introduces a meaning of ‘abilities’ as ‘*restricted possibility*’. I suggest that combining the distinction between synchronic and diachronic abilities with the

⁹² Ivi, p. 447

⁹³ The conditional analysis of abilities has been purposed by Austin, J.L. (1956), “Ifs and Cans,” *Proceedings of The British Academy*, 42: 107-132

notion of abilities as restricted possibilities, I could give a definition of *feasibility* in terms of abilities.

In Maier's theory, the agents' abilities are defined as the available options that agents have in certain circumstances. Where, I define *circumstances* as sets of facts (events) occurring in certain contexts (in certain spaces at certain times). He writes: 'we might say, that someone has the general ability to A [in the circumstance C] just when⁹⁴ she has the option of A-ing under some circumstances [similar to C]⁹⁵. The idea behind this definition of ability is that an agent I is generally able to perform an action A in a certain circumstance C *only if* that action A is an option for her in a relevant number of circumstances similar to C⁹⁶. For instance, let us consider the circumstance in which I am going to kick a penalty. Let us suppose that in a relevant number of circumstances similar to this one, I score the penalty. In this case, I can say that 'I am able to score a penalty'. Let us consider how this account of ability works. Let us suppose that the agent I is in the circumstance C. Let us suppose that the circumstance C is similar (for some unspecified regards) to the circumstances C1, C2, C3, C4, C5. Let us suppose that it is metaphysically possible for me to perform the actions (*a, b, c, d, e, f, g*) in C. However, let us suppose that other non-metaphysical facts⁹⁷ constrain the I's option-set in C in a way that we can say: 'I is just able to perform the actions *a, b, c* in C'. In this case, it seems we should conclude that I is only able to perform *a, b* and *c* in C. However, let us suppose that in all the other circumstances similar to C (C1, C2, C3, C4, C5), I have also the ability to perform the action *d*. In this case we would say that the agent I has the general ability to perform the actions (*a, b, c, d*) in C. The implication of such an account of general

⁹⁴ I interpret the formula 'just when' as 'only if'. I do not know if it is right or by using 'just when' Maier means only 'if'.

⁹⁵ C. Maier, J., 2015, "The Agentive Modalities," *Philosophy and Phenomenological Research*

⁹⁶ Probably, this account should specify how many circumstances are necessary to say that an agent is able to perform an action in her circumstance. Furthermore, it should need to specify how similar should be these circumstances to be compared to the current one. So, for instance it could propose: 'someone has the general ability to A in the circumstance C, just when she has the option of A-ing under the 50% of the circumstances that are equal to C in regards to facts a, b, and c'. This problem is well underlined by Maier but I do not think he offers a clear answer. I think that he argues that there is not a fixed percentage of circumstances and there is not a fixed definition of similar circumstances. So, I think that the relevant number of circumstances and their similarity should be evaluated case by case

⁹⁷ These facts should obviously be independent of what the agent want

ability is that an agent could be said to be *generally* able to perform an action in the current circumstance even if she fails to perform that action in the current circumstance.

Let us suppose the action ‘to score a penalty kick’. I am in a football field in Milan and I am going to kick a penalty (circumstance C). In 70% of the cases in which I am in a football field (in any part of the world) and I am going to kick a penalty (circumstances similar to C), I score it. So, in 70% of the circumstances similar to the current one, the action ‘to score a penalty goal’ is an available option. Let us suppose that I kick the penalty but I fail it. Given the account of general abilities as restricted possibilities, I still have the general ability to score the penalty, even if I failed the penalty in that precise circumstance. I have the general ability to score the penalty goal, because it is an available option in a relevant number of circumstances similar to my current one.

From these examples emerge that some facts (not necessarily metaphysical facts) constrain the set of all available options. Hence, not all the metaphysically possible actions are available options in the agent option-set: that is why *abilities* are considered *restricted* possibilities. This idea reminds Lawford-Smith’s contribution about feasibility, however here I specified that those facts restricting the possibilities must be independent of what the agent want. That is to say, not only metaphysical facts restrict the available options of the agent, but also not even facts that depend on what the agent wants do it. What I need to know is which other facts do restrict the possibility to perform an action in certain circumstances.

In the next paragraphs I will show that according to the definition of ability as restricted possibility, *lacking material resources* do *undermine* the contextual feasibility of prescriptions as well as they *influence* general and contextual degree of feasibility. In terms of restricted possibilities this means that i) lacking material resources could exclude certain actions from the context-C inhabitants’ option set in any circumstance occurring in C; ii) lacking material resources could exclude certain actions from human beings option set in a certain number of generally spread circumstances; iii) lacking material resources could exclude certain actions from the context-C inhabitants’ option set in a certain number of circumstances (not all)

occurring in C.

The first case is the one in which the inhabitants of C always (in any circumstance) lack the material resource to perform the action a-x in C and that resource is necessary to perform a-x in C. In this case, C inhabitants never have the action a-x in their option set (now and in a predictable future). Hence, a (set of) prescription(s) x demanding to perform a-x is not feasible in C (now and in a predictable future).

The second case is the one in which human beings generally lack a certain material resource in number of circumstances. Thus the resource is lacked in a certain number of generally spread circumstances and it is always necessary to perform the action a-x. Alternatively, human beings always lack a resource and it is necessary to perform a-x in a certain number of generally spread circumstances. Finally, human beings lack a resource in a certain number of generally spread circumstances and that resource is necessary to perform a-x in a certain number of generally spread circumstances. In these three situations, there is a number of generally spread circumstances in which human beings (or groups of human beings) have not the action a-x in their option set. Therefore the (set of) prescription(s) x demanding a-x is not feasible in certain percentage given by the number of generally circumstances in which agents have a-x in their option set.

The last case is the one in which context-C inhabitants contextually lack a resource and this fact restrict the possibility to perform an action in certain circumstances. This can happen when C inhabitants always lack a material resource and that resource is necessary to perform a-x in certain number of C circumstances. Alternatively, C inhabitants lack a material resource in a certain number of C circumstances (now and in a predictable future) and that resource is always necessary to perform a-x in C. Finally, it happen when C inhabitants lack a material resource in a certain number of circumstances (now and in a predictable future) and that resource is necessary to perform a-x in a certain number of C circumstances (now and in a predictable future). In these three situations, there is a number of C circumstances in which C inhabitants have not the action a-x in their option set. Therefore the (set of) prescription(s) x demanding a-x is not feasible in certain percentage given by the number of C circumstances in which agents have a-x in their option set.

Through the concept of ‘ability as restricted possibility’, I can consider the analysis of degrees of feasibility evaluating the percentage in which an action is possible given by the number of circumstances in which certain actions have success. Given a (set of) prescription(s) x demanding the actions $a-x$, the feasibility degree of x is given by the percentage of circumstances in which the agents have $a-x$ in their option set. However, given a precise circumstance, not any action in our option set has the same probability to be obtained; consequently, not any prescription has the same degree of feasibility in a given circumstance. The degree of success of an action in a precise circumstance also depends on what Gilabert calls ‘the agent’s deciding to act’⁹⁸. For example, ‘going to run’ and ‘writing my thesis’ are both actions that I have in my option set today but they have not the same degree of success because I have different degree of motivations toward these two actions. So, their degree of success obviously depends on my *own motivations*. In the previous chapter I concluded that agents’ own motivations do not affect the feasibility of actions and prescriptions since they are the expression of what the agent want. I maintain this conclusion here; however, certain facts could affect the *agents' ability to be motivated* in a certain way and these facts could be independent of what the agent want. Hence, these facts influence the ability to be motivated to act in a certain way and the consequent performance of the action. Therefore, they could influence the feasibility of prescriptions.

Although the approach of abilities as restricted set of options is very clear, it does not grasp a certain sense in which the notion of ability is gradable. This approach does not show that the ability to perform some actions (then the ability to close the available options) depends on the *ability to be motivated*⁹⁹ to perform those actions. That is to say, let us suppose that in the current situation and in situations similar to it, I have the options ‘to eat’, ‘to write’ and ‘to watch a movie’. Let us suppose that

⁹⁸ Gilabert, P. (Forthcoming), “Justice and Feasibility: A Dynamic Approach”, in K. Vallier & M. Weber (eds.), *Political Utopias*, Oxford: Oxford University Press.

⁹⁹ I will specify that the degree of ability to act in accordance with certain prescription is *not* given by agents’ *motivations*. I hold that it is given by agents’ *ability to be motivated*

they are exclusive actions¹⁰⁰, and let us suppose that they are all available actions (means they all exist in my option set). Let us consider I am so hungry that I am difficultly able to be motivated ‘to write’ or ‘to watch a movie’. In this sense, ‘to write’ and ‘to watch a movie’ are options in my option-set, but my inner condition is such as I am difficultly able to be motivated to choose them. So, I think I have a degree of ability to perform those actions that is smaller than the degree of ability that I have to perform the action ‘to eat’. In this case, my *degrees of ability* to perform the actions ‘to eat’, ‘to write’ and ‘to watch a movie’ does not seem given by the *number of circumstances* similar to the current one in which I have the option to perform those actions.

The idea that the ability to perform certain actions depends on the ability of being motivated to perform those actions is not new. First Duggan and Gert¹⁰¹ and then Don Locke¹⁰² suggest that the ability to perform an action is influenced by the ability to be motivated (or to will) to perform that action. Don Locke writes: ‘for A to be able to do x it must also be possible for A to be appropriately motivated, as apparently nothing could motivate this miser to give this beggar money. So being able has to be understood not in terms of what an agent will do given the motivation, but in terms of what he can successfully be motivated to do’¹⁰³.

I will hold that the *ability of being motivated* is a condition affecting the degree of feasibility: it affects the *general feasibility degrees* and *contextual feasibility degrees*. The general feasibility degree of a certain (set of) prescription(s) x is affected by human beings ability to be motivated to perform the action that x demands. That is to say, a certain (set of) prescription(s) x has a certain general degree of feasibility p if, in general circumstances, human beings are able or will be (in a predictable future) able to be motivated for a certain degree m to perform the actions that x demands. The contextual feasibility degree of a certain (set of) prescription(s) x is given by the ability of inhabitant of a certain context C to be

¹⁰⁰ Meaning that if I perform one of these actions I cannot perform the others

¹⁰¹ Duggan, T. & Gert, B. (1967), “Voluntary Action”, *American Philosophical Quarterly*, 4(2): 127-135.

¹⁰² Locke, D. (1976), “The ‘Can’ of being able”, *Philosophia*, 6(1): 1-20.

¹⁰³ Ivi, p. 11

motivated to perform the action that x demands. That is to say, a certain (set of) prescription(s) x has a certain contextual degree of feasibility p only if C inhabitants have or will have (in a predictable future) a certain degree m of ability to be motivated to perform the actions that x demands in C .

Later on, I will hold that degree of ability of being motivated to act in a certain way is influenced by *human needs frustration*. Human needs (whose existence is independent of what agents want) influence the agents' ability to be motivated to act in accordance with a certain set of prescriptions. Consequently, human needs influence the success of prescriptions to the extent that they affect agents' ability to be motivated to perform the actions that prescriptions demand. Of course, I do not think that we can measure the precise degree in which human needs affect the ability of being motivated. However, we can suppose that prescriptions demanding actions that frustrate human needs are lowly feasible, because the agents would not be fully able to be motivated to perform those actions.

In sum, the feasibility of normative political prescriptions is related with the ability of agents to perform the actions that normative political prescriptions demand. Precisely, the abilities intended as restricted possibilities could undermine both the general and the contextual feasibility. Furthermore, they could influence the general degree of feasibility and the contextual degree of feasibility of (sets of) normative political prescriptions. The general feasibility of a (set of) prescription(s) x demanding the actions $a-x$ depends on the fact that human beings have or will have the option $a-x$ in some generally spread circumstances. The contextual feasibility of a (set of) prescription(s) x demanding the actions $a-x$ in context C depends on the fact that inhabitants of C have or will have the option $a-x$ in some circumstances of C . The general degree of feasibility of a (set of) prescription(s) x demanding the actions $a-x$ depends on the number (percentage) of circumstances in which human beings in general have or will have the option $a-x$ in their option set. The contextual degree of feasibility of a (set of) prescriptions x demanding the actions $a-x$ in the context C depends on the number of circumstances occurring in C in which C inhabitants have or will have the option $a-x$ in their option set. General feasibility, contextual

feasibility, general degree of feasibility and contextual degree of feasibility so defined are sensitive to some facts, which restrict the set of options that agents have in general or particular contexts. I will show that these facts are *lacking material resources*.

Furthermore, the ability to be motivated affects the general degree of feasibility and the contextual degree of feasibility of (sets of) normative political prescriptions. The general degree of feasibility of (a set of) prescription(s) x demanding the action $a-x$ depends on the degree of ability to be motivated to $a-x$ of human beings. The contextual degree of feasibility of (a set of) prescriptions x demanding the action(s) $a-x$ in C depends on the degree of ability to be motivated to $a-x$ of people inhabiting C or contexts similar to C . General degree of feasibility and the contextual degree of feasibility so defined are sensitive to some facts, which restrict the ability to be motivated in certain ways. I will show that these facts are *human needs*.

Soft Constraints: lacking material resources and human Needs

In the previous paragraph I pointed out that facts are soft constraints in two cases: first, they influence or undermine the success of (a set of) prescription(s) by excluding certain actions from the agents' option set in some generally spread circumstance or by excluding certain actions from the agents' option set in any or some contextually circumscribed circumstances; second, they influence the success of (a set of) prescription(s) by influencing the agents' ability of being motivated to perform the actions that the prescriptions demand. In the next paragraphs, I hold that in the first case *lacking material resources* are feasibility constraints; while, in the second case, *human needs* are feasibility constraints. That is to say, the lack of material resources excludes certain actions from the agents' option set; while, human needs influence the agents' ability of being motivated to perform certain actions.

By doing so, lacking material resources can undermine the contextual and general possibility to act in accordance with a certain (set of) prescription(s) now and in a

predictable future¹⁰⁴. Furthermore, they influence the general degree of feasibility and the contextual degree of feasibility of (a set of) prescriptions. While, human needs influence the general and the contextual degree of feasibility. Therefore, lacking material resources and human needs can be considered soft feasibility constrains.

Lacking material resources

In these paragraphs, my aim is to introduce the feasibility constraint ‘lacking material resources’. I hold that it is a feasibility constraint since lacking material resources could undermine the general and contextual feasibility of prescriptions. Furthermore, they could influence the general and contextual degree of feasibility of prescriptions. Hence, here I try to provide a definition of lacking material resources and I try to explain which lacking material resources matter for the sake of feasibility. By doing so, I will specify in which cases it is opportune to consider the lack of material resources independent of what agents’ want.

The first step to show how *lacking material resources* could exclude certain actions from the agents’ option set is to define what *material resources* are. I widely define material resources as all those *physically existing objects* that an individual or a group have got (now or in a predictable future) and can use to achieve certain goals. This definition of material resources is explicitly based on the notion of *physically existing objects*, a notion that I compare with the one of *social facts*. Physically existing objects are those facts that exist independently of what human beings accept and because of this they differ from social facts, which exist only in virtue of what human beings accept¹⁰⁵. For example, given a ‘piece of paper’ which value is ‘ten-euro’, the ‘piece of paper’ is a physically existing object (it exist independently of our acceptance), while the value ‘ten-euro’ is the social fact related to that object and it needs our acceptance in order to exist. In other words, the value ‘ten-euro’ exists only because human beings accept that ‘the piece of paper is a ten euro’, while the

¹⁰⁵ Searle has a similar idea about social facts. Searle, J. (1995), *The Construction of Social Reality*, London: Penguin.

piece of paper does exist even if human beings do not accept the idea that it exists¹⁰⁶. ‘Material resources as physically existing facts’ belong to the category of external facts: facts that do not need to be believed as ‘real’ by human beings in order to exist¹⁰⁷. ‘Consequently, lacking material resources are all those physically existing objects that could be useful to achieve certain goals, but individuals or a groups have not and will not have in a predictable future.

To see that lacking material resources exclude some actions from an individual’s option set is quite easy. Let us suppose the action ‘to score a penalty kick’ and let us suppose that the agent of this action has not and will never have a ‘ball’ to kick a penalty. In this case, we can say that the agent lacks the ‘ball’¹⁰⁸; then the ball is a lacking material resource for this agent. It is quite easy to understand, that the agent cannot perform the action ‘to kick a penalty goal’ in the current circumstance and in any circumstance similar to it. So, the lacking resource ‘ball’ undermines the individual’s ability to perform the action ‘to score a penalty goal’. Therefore, the lacked ball excludes the action ‘to kick a penalty goal’ from the individual’s option set.

In the next paragraph, I will try to show how lacking material resources exclude some actions from human beings’ or groups’ option set. So, I will show how lacking material resources undermine or influence the feasibility of normative political prescriptions. Now, let me just clarify when the lack of material resources matters for the feasibility analysis and for which extent we could lack material resources.

¹⁰⁶ Of course, a piece of paper does exist only if someone produced it and nobody destroyed it, so its existence is not independent from human actions. However, once it has been produced, it exists even if nobody believes that it exists. That is to say, given its existence, it does exist independently of what human beings believe. Differently, supposing that an one associates a nominal value of ten euro to that piece of paper, that value does not exist in the case that nobody believe that it exists.

¹⁰⁷ Let us suppose that there exist a bottom, which would power up a system that deletes the memory of any human being if someone pressed it. Let us suppose that a guy presses that bottom. In that case, it would not exist any social fact in the moment immediately after the guy’s action. Consequently, in that moment, the world would be characterized only by non-social facts.

¹⁰⁸ ‘The ball’ (or however you want to call a sphere having certain dimensions, weight and atomic structure) is a physically existing fact that is necessary to achieve a socially created action such as ‘to kick a penalty’.

The causes of lacking a material resource can be different: we can lack a resource because of the state of technology¹⁰⁹; we can lack a resource because of certain features of the environment; we can lack a material resource because someone steal it or destroy it; or we can lack a resource simply because of some unfortunately events that randomly happen. We could lack ‘drinkable water’ because we actually have not a technology to create artificial clouds; in this sense we first lack the ‘technology to create artificial clouds’ and consequently we lack ‘drinkable water’. We could lack ‘drinkable water’ because it does not rain so much in the context in which we live; in this case, we first lack a ‘rainy climate’ and consequently we lack ‘drinkable water’. We could lack ‘drinkable water’ because of both causes: we live in a dry environment and we do not have the technology to create artificial clouds. We could lack our bottle of drinkable water because someone steals it and drinks it. Finally, in certain circumstances, we could lack drinkable water because of unlucky events that sometimes happen: for example, we lose our bottle of water during an excursion in the middle of Sahara. Whatever the reason is, a lacking material resource can be considered a feasibility constraint only if *the agents lack that resource independently of what they want*. In other words, lacking material resources matter as feasibility constraints only if they respect the last clause of the criterion for the selection of soft constraint¹¹⁰.

Unfortunately, it is not that banal to understand in which cases agents lack material resources independently of what they want. Let us consider the following case. Let us suppose that in the context C, the group of individuals GC lacks the resource ‘water’. In order to consider the lacked water a feasibility constraint, it should be lacked independently of what members of GC want. So, let us consider that GC members lack ‘water’ because they lack both a ‘rainy climate’ and ‘the technology to generate artificial clouds’. Then, consider that they lack ‘a technology to generate artificial clouds’ because they lack ‘research programmes (labs, researchers, etc.)

¹⁰⁹ It is opportune to remember that the *lack of technology* has been recognised as a particular soft constraint in the previous chapter. Differently, here the lack of technology is comprised as a kind of the wider set ‘lacking material resources’.

¹¹⁰ More generally, only those lacking material resources respecting the criterion for the selection of soft constraint affect the feasibility

specialized in artificial clouds technological development'. Then, they lack 'research programmes specialised in artificial clouds technological development' because they lack the 'resources to invest in research programmes specialized in artificial clouds technological development'. Finally, they lack the 'resources to invest in research programmes specialized in artificial clouds technological development' because they lack 'the political "will" to invest on research about artificial clouds technological development'.

Given this causal chain, it is not so obvious to understand whether or not the lack of 'water' is independent of what group members want. So, it is not so obvious to know whether or not the lack of 'water' is a feasibility constraint. If someone asked GC members 'do you want to lack water?' they would probably answer, 'no, we do not!' So, it seems that the lack of 'water' is independent of what GC members want; then it seems the lack of water is a feasibility constraint. On the other hand, the prime cause of the lack of 'water' seems to be a lack of 'political will' to invest in certain research programmes. Since the lack of 'political will' is the expression of what GC members want, the last consequence of 'GC political will' (namely, 'lack of water') indirectly depends on what GC members (at least one) want. So, it seems that the lack of 'water' is not independent of what GC members want and because of this it seems that it is not a feasibility constraint. Therefore, if we consider the 'lack of water' isolating it from its causal chain, it is a physical fact independent of what GC members want. Differently, if we consider the lack of 'water' as final outcome of a certain causal chain, it could be a physical fact which lack depends on what GC members want.

I think that in order to evaluate the independence of lacking material resources from what agents want, we should consider the causal chain generating the lack of material resources (supposing that the causal chain is clear to us). Hence, when the causes generating the lack of resource depends on what agents want, then the lacking resource is not independent of agents want. In the case of the example, it seems correct to conclude that the lack of 'water' is not independent of what GC members want since one of its cause is a lack of political will. However, I think that this could be a hurried conclusion.

In accordance with the previous refinement of d-clause¹¹¹, I suggest maintaining that a certain lacking material resource is not '*independent of what agents want*' if some voluntary actions (causes¹¹²) is/are *necessary* to generate or to maintain the lacking resource in those circumstances (and the agents know that performing those actions they will lack those resources). That is to say, in the case that an outcome (a lack of resource) would not exist if voluntary actions did not generate or maintain it, then the outcome is dependent of what agents' want. Therefore, the outcome is not a feasibility constraint.

On contrary, a certain lacking material resource is '*independent of what agents want*' only if it would exist in those circumstances independently of any voluntary action. In case that an outcome (a lack of resources) would exist even if the no voluntary actions generate or maintain it, then the outcome is independent of what agents want. Consequently, in the latter case, the outcome (the lacking resource) is a feasibility constraint.

In the example above, the prime cause of the causal chain is a lack of 'political will' and it is obviously the expression of what GC members want. Let us assume that in C circumstances (circumstances of context C), the lack of 'political will' is necessary to produce the lack of 'resources for research about artificial clouds technological development' and the consequent lack of 'research programmes specialized in artificial clouds technological development'. Thus, the lack of 'resources for research about artificial clouds technological development' and the lack of 'research programmes specialised in artificial clouds technological development' depend on what GC members want. So, they cannot be feasibility constraints. Alternatively, let us assume that in C circumstances, the lack 'political will' and the consequent lack of 'research programmes about artificial clouds

¹¹¹ Here, I define a fact as independent of what agents want when: Here, I define a fact as independent of what agents want when: i) it exists even if agents do not want that it exist and they did not perform any non-coerced/non-manipulated action in order to produce or maintain it; ii) or, it is the unexpected (unintended or accidental) outcome of non-coerced/non-manipulated agents' actions. Differently, it is not the case to consider a fact 'independent of what agents want' when i) it exist only if agents want that it exists and they produced or maintained it through some non-coerced/non-manipulated actions; ii) or, agents' do not want it but it is the expected (non-accidental) outcome of some non-coerced and non-manipulated agents' actions.

¹¹² Causes dependent on what agents want.

technological development' are not necessary to lack the 'technology to generate artificial clouds'. Furthermore, GC members would lack the 'technology to generate artificial clouds' even if they invested on research about that technology and whatever path of action they could perform. In this case, the lack of 'technology to generate artificial clouds' and the consequent lack of 'water' are independent of what GC members want. So, they are good candidates to be feasibility constraints.

Some other banal distinctions can say something more about material resources. For instance, material resources are lacked for different extents: a material resource can be generally lacked or it can be lacked just in some context(s) of the world; furthermore, a material resource can be lacked in any circumstance or just in some circumstance(s). Therefore, when I say that a resource is lacked I could mean that it is generally lacked in any circumstance; generally lacked in some circumstances; contextually lacked in any circumstance; contextually lacked in some circumstances. So far as I know about these facts: a 'technology to create artificial clouds' is a generally lacking resource in any circumstance. Simply, it does not exist in this world and probably will not exist in a predictable future; 'rain' is a generally lacking resource just in some circumstances (namely, during non-rainy days). That is to say, in any place of the world at any time there are occasions in which it does not rain and occasions in which it does rain; 'the sea' could be a contextually lacking resource in any circumstance in which a context does exist and it will exist in a predictable future. Supposing a context such as Switzerland, it has not the sea and will not have in a predictable future. So, in that context the sea is a lacking resource in any circumstance; drinkable water could be a lacking resource in some contexts, but it is lacked just in some circumstances. Supposing that the context is the Sahara, there are circumstances in which 'drinkable water' does exist even if it is lacked in the most circumstances. So, in that context the water is a lacking resource in some (the most) circumstances.

A further example introduces a case in which lacking material resources constrain the feasibility of a certain prescription and it introduces the analysis of the next paragraphs. So, let us suppose the context of God-Land and let us suppose that

inhabitants would like to implement the prescription ‘everyone ought to have free access to water’. This means that they necessarily need the resource ‘sufficient drinkable water’ in order to perform the action ‘to provide free water for everyone’; so, they need ‘sufficient drinkable water’ in order to act in accordance with that prescription. As we already know, some God-Land inhabitants think that they could obtain the resource ‘sufficient drinkable water’ simply by building a water-spring. Now, let us suppose that after some further geologic analysis, The ‘God-Land Water-Spring Research Team’ discovers that there is not enough water underground. So, even building a water spring, God-Land inhabitants would not have ‘sufficient drinkable water’ to provide free access to water for everyone. In this case, the available technology (the water spring) does not work in God-Land, since there is not water underground. So, the environmental features of God-Land do exclude the necessary material resource to implement the prescription. That is to say, God-Land environmental features determine that there is not ‘sufficient water’ in that context. Therefore, the lack of water does exclude the actions to implement the prescription from God-Land inhabitants’ option set.

Now, let us suppose that the chief engineer of ‘The God-Land Water-Spring Research Team’ has the idea to use a technology generating artificial clouds that would provide rainy water. Let us suppose that he searches on Google for this kind of technology, but unfortunately he discovers that there are just some experimental attempts to generate artificial clouds. Thus, artificial clouds would not work in non-lab contexts. In this case, the current state of technology (that is a worldwide lacking resource) excludes the possibility to have ‘sufficient water’ in God-Land. So, God-Land inhabitants still lack the necessary material resource to perform the actions that the prescription demands. They lack ‘sufficient water’ also because they lack the adequate technology, then they cannot act in accordance with the prescription.

In conclusion, the balance between the natural features of God-Land and the current state of technology excludes the actions to implement and maintain the prescription ‘everyone ought to have free access to water’ from God-Land inhabitants’ option set. Assuming that both the ‘lacking technological resources’ and ‘lacking environmental features’ do not depend on what God-Land inhabitants want, the lacked ‘sufficient

water' is also independent of what they want. So it is a feasibility constraint for that prescription in that context.

This example shows 'how' lacking material resources could be relevant for the feasibility of normative political prescriptions.

In the next paragraph, my aim is to show that lacking material resources undermine the general and contextual feasibility of prescriptions as well as the general and contextual degree of feasibility.

I first show that those resources that we generally lack in any circumstance (now and in a predictable future) can undermine the general feasibility of prescriptions: I will show that they are surely feasibility constraints, but we should suspend our judgment whether or not they are *soft* or *hard* constraints. Then I will argue that those resources that we generally lack can also undermine the contextual feasibility of prescriptions: they can be the contributory causes (of a set of causes) undermining the feasibility of certain prescriptions in certain contexts (now and in a predictable future). Furthermore, generally lacking material resources can influence the general and the contextual degree of feasibility. That is to say, they could affect the general or contextual possibility to act in accordance with a prescription but just in some (and not all) circumstances. Differently, those resources that we generally lack just in some circumstances can only influence the general or the contextual degree of feasibility. Those resources that we contextually lack in any circumstance can undermine the contextual feasibility of prescriptions as well as they can influence the contextual degree of feasibility. Finally, those resources that we contextually lack just in some circumstances can influence the contextual feasibility degree of prescriptions.

To show that lacking material resources are feasibility constraints, I will maintain first that no-clause of the criterion for the selection of soft constraints necessarily excludes lacking material resources from the set of facts affecting feasibility. Second, I will provide some definitions aiming to identify the abstract cases in which material resources affect feasibility. Finally, I will provide examples showing concrete cases in which lacking material resources affect feasibility.

Lacking material resources and feasibility

Generally, lacking material resources are those physical facts that are lacked in any place of the world (and in any or some circumstances), now and in a predictable future. Generally, lacking material resource can undermine the general feasibility of normative political prescriptions. That is to say, generally lacking material resources *can make impossible* to act in accordance with certain prescriptions in any place of the world, now and in a predictable future. In the second paragraph, I related feasibility with abilities so that a (set of) prescription(s) x is feasible in the context C (space s ; time t) only if the inhabitants of the contexts $C(s; t)$ have the option to perform the actions that x demands in a relevant number of circumstances. Assuming that the context C is the space ‘*world*’, at time ‘*now and in a predictable future*’, I think that generally lacking material resources could exclude some actions from the option-set of C inhabitants¹¹³. So, generally lacking resources could make impossible for all human beings to perform certain actions now and in a predictable future. Consequently, they could make impossible to satisfy what prescriptions demand, now and in a predictable future. Because of this, generally lacking material resources could be feasibility constraints.

Let us consider an example that intuitively shows how generally lacking material resources exclude some actions from all human beings’ option set in any circumstance, now and in a predictable future. Let us suppose a prescription such as ‘it is forbidden to waste trash on Earth’¹¹⁴. Let us suppose that in order to act in accordance with this prescription, there are two set of actions: first, human beings should recycle all their thrash; second, human beings should waste trash somewhere in the universe. Let us suppose that despite human beings are able to recycle a lot of trash, there are some waste (as toxic waste) they cannot recycle. So, they ought to perform the action ‘to waste unrecyclable trash somewhere in the Universe’. In order

¹¹³ All those human beings inhabiting the world now and in a predictable future

¹¹⁴ Suppose that it is justified by some normative reasons concerning the preservation of the environment

to perform this action, human beings need a spatial technology that enables them to perform it. In particular, they need to develop a kind of spatial technology that is capable to bring all the unrecyclable trash from the Earth to a place somewhere in the Universe. For the sake of simplicity, let us suppose that this action is possible for human beings only having some space cargo-shuttles (huge space shuttles) everyday departing from the Earth to the interstellar-dump. Unfortunately, such a space cargo-shuttle does not exist in the real world and it will not exist in a predictable future. Consequently, the lacked cargo-shuttle excludes the action ‘to waste the unrecyclable trash somewhere in the Universe’ from human beings option set, in any circumstance now and in a predictable future. Therefore, the lacked space cargo-shuttle makes the prescription ‘it is forbidden to waste trash on Earth’ unfeasible in the world, now and in a predictable future. So, the lacked space cargo-shuttle is a feasibility constraint.

The example shows a case in which a generally lacking resource could be feasibility constraints since it could make impossible for human beings to act in accordance with prescriptions. However, it is not clear whether these lacking material resources undermining the general feasibility of a prescription are *soft* or *hard* constraints. At the beginning of the second chapter, I defined hard constraints as ‘those facts that make impossible for human beings to perform certain actions at any place and *any time*’¹¹⁵. Given this definition, logic rules, physical laws and biological laws were the only hard constraints I identified. Generally lacking material resources differ from these facts because we can only know that they do undermine the general feasibility of prescriptions now and in a predictable future. So, we cannot know whether they will undermine feasibility at *any time* (‘any time’ includes also ‘non-predictable future’). In other words, we only know that these lacking resources make impossible for human beings to perform certain actions *in any place of the world, now and in a predictable future*. By definition, we do not know if these lacking resources make impossible for human beings to perform certain actions at *any time* (in a *non-predictable* future). Without knowing whether they make impossible to perform the actions at any time or not, we do not know if they are *hard* constraints or not.

¹¹⁵ This definition implies that a prescription clashing with hard constraints is not a normative political prescription at all, because it is impossible for human beings to act in accordance with it.

For example, we can imagine a future in which space cargo-shuttles do exist. It shall not happen in a predictable future, but it could happen sooner or later. This idea could bring me to think that the lack of space cargo-shuttles is just a temporary lacked fact and maybe I should consider it as soft constraints. However, I cannot know if we will be able to develop space cargo-shuttles in a non-predictable future (by definition it is not predictable); maybe, human beings will be never able to develop and produce space cargo-shuttles. In that case, the lack of space cargo-shuttles would be a hard constraint. The point is that *by definition* we have never good arguments to believe (predict) that we will obtain those resources that we lack now and in a predictable future in any place of the world. So, we cannot know whether or not those lacking material resources will undermine the feasibility of prescriptions also in a non-predictable future. Hence, there are not good arguments to hold that material resources that human beings lack now and in a predictable future *will be* or *will not be* obtained in a *non-predictable* future. Therefore, there are not good reasons to hold that generally lacking resources¹¹⁶ are *soft* constraints or *hard* constraints. Consequently, I can only conclude that generally lacking resources could be feasibility constraints (since they could undermine the general feasibility of prescriptions), and I have to suspend my judgement about whether they are hard or soft constraints.

Let me show that lacking material resources can undermine the contextual feasibility of normative political prescriptions since they can be conform with the criterion for the selection of soft constraints. That is to say, no-clause of the criterion for the selection of soft constraints excludes lacking material resources from the set of facts that could undermine the contextual feasibility of normative political prescriptions. Hence, they could be soft constraints.

A lacking material resource is a soft constraint for the prescription x
if:

¹¹⁶ Resources that worldwide lacked, now and in a predictable future

- a) it undermines the possibility to act in accordance with x in C ;
- b) it does (a) despite or because the interactions of C with other contexts;
- c) it does (a) now and in a predictable future
- d) it exists in C independently of what people living in C want

The first clause of the criterion does not exclude any lacking material resources from the set of soft constraints, since it is opportune to think that lacking material resources can undermine the possibility to act in a certain way in a certain context. As I wrote, lacking material resources can exclude some actions from the option-set of inhabitants of a given context. When a lacking material resource excludes the actions that a prescription demands from the inhabitants' option set in any contextually circumscribed circumstance, then that lacking material resource could be a soft constraint.

The clauses b and c do not exclude lacking material resources from the set of soft constraints and the reason is quite banal. It is opportune to think that certain contexts do not have certain resources even if they interact with other contexts; and it is opportune to think that certain contexts will not have certain resources even in a predictable future. For example, it is opportune to think that Zimbabwe does not have a boreal climate even if Zimbabwe citizens or Mugabe himself collaborates and interacts with all the Scandinavian nations. Furthermore, it is opportune to think that Zimbabwe will not have a boreal climate in a predictable future. Consequently, supposing that a prescription demands actions that can be performed only having a boreal climate, this prescription is unfeasible and it will not be feasible in Zimbabwe. Clause *d* does not exclude any lacking material resource from the set of soft constraints, since it is opportune to think that some material resources are lacking in a certain context even if all the inhabitants of that context do not want to lack them. For example, even if all the current and future inhabitants of Zimbabwe wanted a boreal climate, they cannot have it. So, 'boreal climate' is a lacking resource in Zimbabwe independently of what Zimbabwe inhabitants want.

In conclusion, none of these clauses exclude all lacking material resources from the set of soft constraints. Therefore, lacking material resources respecting all these clauses constitutes a soft constraint.

I related feasibility with abilities so that a (set of) prescription(s) x is feasible in the context $C(s; t)$ only if the inhabitants of the contexts $C(s; t)$ have the option to perform the actions that x demands in some¹¹⁷ C circumstances. In order to hold that lacking material resources undermine the contextual feasibility of prescriptions, I show the banal fact that lacking material resources could exclude some actions from the option-set of inhabitants of a given contexts. So, they make the inhabitants of those contexts unable to perform certain actions (except in extraordinary circumstances), consequently they could make inhabitants unable to satisfy what prescriptions demand.

Let me synthesise the case in which lacking resource undermine the contextual feasibility of a normative political prescription. So, let us suppose that a (set of) prescription x demands to perform the actions $a-x$. Let suppose that to perform the actions $a-x$, it is necessary to have the material resource $mr-x$. Finally let us suppose that independently of what all inhabitants of context C want, there is not (and there will not be in a predictable future) the material resource $mr-x$ in C (except during some extraordinary circumstances). Given these premises, it is easy to conclude that the (set of) prescription(s) x is unfeasible in C because C inhabitants lack the material condition $mr-x$ that is necessary to perform $a-x$: this means that $a-x$ is not an option in C inhabitants' option set because they lack $mr-x$. Therefore, the fact 'lacked $mr-x$ ' is a feasibility constraint.

The point is that some material resources are necessary to perform certain actions: I cannot 'score a penalty' if I do not have 'a ball'. Consequently, lacking certain material resources the inhabitants of a given contexts cannot perform those actions that a prescription demands: they have not the option to act in accordance with a certain prescription.

Furthermore, even if they could perform those actions in extraordinary circumstances, we cannot consider that they are able to perform them. Even if they

¹¹⁷ Non-extraordinary

had the option to act in accordance with a certain prescription in extraordinary circumstances, this is not enough to say that they are able to perform those actions; in fact, the success of those actions would be *unstable*. Such of instability of demanded actions would make the prescription itself unstable, for this reason, the prescription(s) should be considered *unfeasible*. Hence, even if the inhabitants of a given context are able to act (have the option to act) in accordance with a certain (set of) prescription(s) in some extraordinary circumstances; this is not enough to hold that the prescription(s) is/are feasible, since it/they would not be stable. Consequently, a lacking material resource can undermine the possibility to act in accordance with a certain prescription in a certain context, even if inhabitants of that context do not lack that resource in extraordinary circumstances; or even if, in extraordinary circumstances, inhabitants of that context are able to act in accordance with that prescription despite they lack the resource to do it.

The previous example of God-Land shows that there is no way to perform the action ‘to provide sufficient water for everyone’ in that context. It seems to be clear that the action ‘to provide sufficient water for everyone’ is not feasible in God-Land given the lacking material resource ‘sufficient water’. That lacking material resource characterises God-land in any circumstance (except in some anomalous circumstances. For example except during some rare rainy days); consequently, the prescription ‘everyone ought to have free access to water’ seems to be unfeasible in that context. Precisely, ‘lacked water’ undermines the contextual feasibility of ‘everyone ought to have free access to water’ because: i) it characterize God-Land and excludes the action to ‘provide water for everyone’ from inhabitants’ option set in any circumstance (except extraordinary cases); ii) God-Land inhabitants lack the water at present time and they will lack it in a predictable future; iii) the fact that they lack the water is independent of what they want. In this case and only in this case, the ‘lack of water’ undermines the feasibility of ‘everyone ought to have free access to water’ in God-Land. So, in this case, ‘the lack of water’ is a soft constraint.

So far, I showed that lacking material resources undermines the contextual feasibility of normative political prescriptions. However, feasibility is also a matter of degree.

Here, my aim is to show that lacking material resources influence the general degree of feasibility of normative political prescriptions.

I related the general degree of feasibility to the notion of ‘abilities as restricted set of options’, namely, ‘abilities as restricted possibilities’. In this way, a certain (set of) prescription(s) x has a certain general degree p of feasibility if human beings have or will have (in a predictable future) the option to perform the actions that x demands in a number p of circumstances. The idea is that generally lacking resources¹¹⁸ could influence the abilities of human beings to perform certain actions by reducing the number of circumstances in which human beings have the option to perform those actions. So, I need to show that generally lacking material resources could exclude some actions from human beings’ option-set only in a certain number of circumstances. Where, a generally lacking resource is a resource that any human being lacks in some or all circumstances.

By doing this, it is important to be careful in avoiding considering physical or biological laws as facts influencing the general degree of feasibility. It is clear that physical and biological laws are at least generally spread conditions, but they do not influence the general feasibility degree of prescriptions. Differently, they undermine the general feasibility of prescriptions. That is why they are hard constraints. The point now is that we actually lack some material resources all over the world in any or in a great number of circumstances, and these lacking resources exclude some actions from human beings option-set just in *certain* circumstances. Then, those actions requiring those lacking resources have not a full degree of feasibility. Consequently, a prescription that demands to perform those actions has not a full degree of feasibility in general. These lacking resources are not hard constraints since they do not make ‘impossible’ for human beings to perform certain actions in any circumstance.

First of all, let me synthesise the cases in which generally-lacking resources influence the general degree of feasibility of normative political prescriptions. So, let us suppose that a (set of) prescription(s) x demands to perform the actions $a-x$. The general feasibility degree of x is given by the degree of ability of human beings to

¹¹⁸ Worldwide lacked physical facts at any time

perform $a-x$. So, supposing that the action $a-x$ can be performed by having the resource $mr-x$, the prescription x will have a $1-p$ degree of feasibility if one of the following cases happens: i) human beings never have $mr-x$ (now and in a predictable future) and $mr-x$ is necessary to perform $a-x$ in a number p of circumstances; ii) human beings have not $mr-x$ in a number p of circumstances (now and in a predictable future) and $mr-x$ is always necessary to perform $a-x$; iii) human beings have not $mr-x$ in a number m of circumstances (now and in a predictable future), $mr-x$ is necessary to perform $a-x$ in number q of circumstances (now and in a predictable future) and there is a number p of circumstances in which it is necessary to have $mr-x$ to perform $a-x$ and human beings have not $mr-x$.

In all those p circumstances the lacking resource $mr-x$ excludes the action $a-x$ from the option set of human beings, then the prescription x has a general degree of feasibility $1-p$. Since, I assume that human beings lack $mr-x$ independently from what they want, the lacking material resource $mr-x$ is a soft constraint for the general feasibility of x .

Let us see how lacking resources influence the feasibility degree of normative political prescriptions through an example. So, let assume we want to check the feasibility degree of the prescription 'first aid personnel ought help people who need help during emergency circumstances'. Let us suppose that this prescription necessarily demands the action '*to find* people who need help': so, it demands that first aid personnel find people that need help. I resume three cases in which lacking resources are soft constraint for this prescription in generally spread circumstances.

In the first case, human beings never have the resource $mr-x$ (now and in a predictable future) and $mr-x$ is necessary to perform $a-x$ in a number p of circumstances. Let us suppose the case in which an expert mountaineer decides to climb a mountain and he start his walk having the GPS and a radio to call the emergency in case of troubles. Let us suppose that everything is going well, but suddenly he slides in a crevice and he faints, he also hurts his head and loses a lot of blood. So, he will die if the emergency personnel do not help him. Unfortunately, he cannot call the emergency because he is unconscious. Furthermore, we actually lack a technology that automatically calls the emergency and gives them the coordinates

to find the person who needs help when that person cannot call by herself (let us call it *guardian angel radio*). The *guardian angel radio*¹¹⁹ is a technology that understands that someone needs medical help: so, it automatically contacts the emergency and gives the coordinates to find the person who needs help. In this case, the first aid personnel cannot know that the mountaineer needs help, then they cannot find him. In this circumstance, the action ‘to find people who need help’ is not in the option-set of the first-aid personnel because human beings in general (the humanity) lack the technology *guardian angel radio*. So, the lacking the guardian angel radio is necessary to exclude the action ‘to find people who needs help’ from the first aid personnel option-set in a certain number p of circumstances. Then, the prescription ‘first aid personnel ought help people who needs help during emergency circumstances’ has a $1-p$ general feasibility degree. Therefore, the *lacked* ‘guardian angel radio’ is a soft constraint.

In the second case, human beings have not the resource $mr-x$ in a number p of circumstances (now and in a predictable future) and $mr-x$ is necessary to perform $a-x$ in any circumstance. Let us suppose the case in which, the mountaineer is able to call the emergency after he faints. Furthermore, the GPS reveals the coordinates where he is. The helicopter flies over the mountain; however, it is too dark to see the mountaineer and the crevice is much darker than the surrounding environment. So, the emergency personnel lack the resource ‘sufficient light’ in this circumstance: a resource that is always necessary to find people (except in extreme statistically anomalous cases). So, the lack of ‘sufficient light’ (occurring in a number p of circumstances) excludes the action ‘to find people who need help’ from the first aid personnel’s option-set (except in anomalous circumstances). Consequently, it influences the feasibility of the prescription ‘first aid personnel ought help people who need help during emergency’. Therefore, the lack of ‘sufficient light’ is a soft constraint.

In the third and last case, human beings have not $mr-x$ in a number m of circumstances (now and in a predictable future), $mr-x$ is necessary to perform $a-x$ in

¹¹⁹ We can imagine it as a skin adherent sensor monitoring some values of people like level of sugars, pulsation, blood pressure, etc. When the sensor reveals something wrong, it automatically contacts the emergency.

number q of circumstances (now and in a predictable future) and there is a number p of circumstances in which it is necessary to have $mr-x$ to perform $a-x$ and human beings have not $mr-x$. Let us suppose the case in which the mountaineer falls in the crevice and he breaks the radio during the tumble. Consequently, he cannot call the emergency because he does not have a functioning radio in this circumstance, and he would need a functioning radio to call the emergency in this circumstance (in other circumstances, he could use a mobile, a call box, etc.). So, the circumstantial lack of a 'working radio' excludes the action 'to find people who need help' from the first aid personnel's option set in this circumstance. Consequently, it influences the feasibility of the prescription 'first aid personnel ought help people who needs help during emergency'. Therefore, the lack of the 'working radio' is a soft constraint.

Let me show that lacking material resources can influence the general degree of feasibility of normative political prescriptions since they can be conform to the criterion for the selection of soft constraints. That is to say, no-clause of the criterion for the selection of soft constraints excludes lacking material resources from the set of facts that could influence the general degree of feasibility of normative political prescriptions.

A lacking material resource is a soft constraint for prescriptions x if:

- a) it influence the ability degree of human beings to act in accordance with x ;
- b) it does (a) despite or because the interactions of C with other contexts;
- c) it does (a) now and in a predictable future
- d) it exists in C independently of what people living in C want

The first clause of this criterion does not exclude all lacking material resources from the set of soft constraints; since it is opportune to think some lacking material resources influence human beings' degree of ability to act in a certain way, in certain generally spread circumstances. As I extensively wrote above, generally lacking

material resources can exclude some actions from human beings' option-set in certain circumstances. When a lacking material resource excludes the actions that a prescription demands from the human beings options in number p of circumstances, then that lacking material resource could be a soft constraint.

The clauses b and c do not exclude generally lacking material resources from the set of soft constraints and the reason is quite banal. It is opportune to think that human beings lack some resources in a wide range of circumstances even if they interact; and it is opportune to think that human beings will not have certain resources, even in a predictable future. For example, it is opportune to think that human beings lack a certain degree of light in a worldwide spread number of circumstances, even if the context in which they are interacts with other contexts. Furthermore, human beings will lack a certain degree of light in a wide range of circumstances, also in a predictable future. Consequently, supposing that a prescription demands actions that can be performed only having a certain degree of light, it is and will not be feasible in those circumstances in which there is not that degree of light.

Clause d does not exclude any lacking material resource from the set of soft constraints, since it is opportune to think that some general material resources are lacked in a wide range of circumstances in certain contexts, even if all the inhabitants of that context do not want to lack them: for example, even if all human beings do not want to lack them. So, a certain degree of light is lacked in certain circumstances, even if all human beings in that circumstance do want to lose it.

In conclusion, no one of these clauses excludes generally lacking material resources from the set of soft constraints. Therefore, a generally lacking material resource that respects all these clauses is a soft constraint.

Now, I aim to show that lacking material resources can influence the contextual degree of feasibility of normative political prescriptions. So, I need to show that lacking material resources excludes some actions from context-inhabitants' option-set in a certain number of circumstances (but not in any circumstance). That is to say, a certain (set of) prescription(s) x has a certain contextual degree of feasibility p in

the context C when C inhabitants have or will have (in a predictable future) the option to perform the actions that x demands in a number p of circumstances.

Before I start to show how contextually lacking resources affects the contextual feasibility of prescriptions, I think it necessary to clarify that it is not necessary that a resource be *contextually lacked* in order to influence the contextual degree of feasibility. Generally-lacking resources can influence contextual feasibility too. Obviously, a generally lacking resource is a physical object that is lacked worldwide, now and in a predictable future; while a contextually-lacking resource is a physical object that is lacked just in certain contexts. That is, we know that a contextually-lacking resource is lacked only in some places in the world or at some times. A generally-lacking resource can influence the contextual feasibility (and not the general feasibility) of a prescription since a generally-lacked physical object could have implications on feasibility only in some contexts and not in any context. In other words, a generally lacking resource could exclude some actions from agents' option set only in certain contextual circumstances; while in some other it could have no relevance. The examples I will introduce later may help to understand this point.

Let me synthesise first the case in which lacking resources influence the contextual degree of feasibility of normative political prescriptions. So, let us suppose that a (set of) prescription(s) x demands to perform the actions $a-x$ in the context C . The feasibility degree of x is given by the degree of ability of C inhabitants to perform $a-x$. So, supposing that the action $a-x$ can be performed by having the resource $mr-x$, x have a $1-p$ degree of feasibility if one of the following happens: i) C inhabitants never have $mr-x$ (now and in a predictable future) and $mr-x$ is necessary to perform $a-x$ in a wide number p of circumstances; ii) C inhabitants have not $mr-x$ in a number p of circumstances (now and in a predictable future) and $mr-x$ is necessary to perform $a-x$; iii) C inhabitants have not $mr-x$ in a number m of circumstances (now and in a predictable future), $mr-x$ is necessary to perform $a-x$ in number q of circumstances (now and in a predictable future), and there is a number p of circumstances in which it is necessary to have $mr-x$ to perform $a-x$ and C inhabitants have not $mr-x$.

In all those p circumstances the lacking resource $mr-x$ excludes the action $a-x$ from the option set of C inhabitants, then the prescription x has a degree of feasibility $1-p$. Since, I assume that C inhabitants lack $mr-x$ independently from what they want, the lacking material resource $mr-x$ is a soft constraint for the feasibility of x in C .

Let me introduce some examples to show that lacking material resources influence the contextual degree of feasibility of prescriptions.

I wrote that the (set of) prescription(s) x demanding the action(s) $a-x$ has a $1-p$ degree of feasibility if: C inhabitants never have $mr-x$ (now and in a predictable future) and $mr-x$ is necessary to perform $a-x$ in a number p of circumstances. This means that the lacking resource is lacked just in certain contexts (e.g. certain contexts lack certain environmental features). Alternatively, that resource is lacked in any context (it is generally-lacked) but this fact has consequences just in certain contexts (for example, anyone lacks a technology to create artificial clouds, but this does have relevant consequences in England). My example shows this second case.

I already pointed out that anyone lacks a technology to create artificial clouds in a lab nowadays. God-Land inhabitants lack this technology: so, in a number p of circumstances, they cannot have not sufficient water to provide free access to water for everyone. Let us suppose that The God-Land Gran-Vizier loses any hope about technological developments that would provide water to the city-state. So, he starts to pray. Unbelievably, after two weeks, it starts to rain (maybe because of prayers or maybe because of the climate changing). It constantly rains for one month, and God-Land citizens have sufficient resources to maintain the prescription 'everyone ought to have free access to water' for six months. Unfortunately, water resources finish after a while, and God-Land citizens still lack the technology to provide it. The Gran-Vizier still tries to pray but nothing happens. After two months of dry climate, it starts to rain again and God-Land citizens have sufficient water to satisfy the prescription. Briefly, God-Land is characterised by the climatic alternation of rainy and dry seasons. Furthermore, God-Land citizens lack any technology to provide water during the dry season and this means that they cannot satisfy the prescription 'everyone ought to have free access to water' during the dry season. This means that God-Land citizens have not the action 'to provide water for everyone' in their

option-set in a series of circumstances, namely, during the dry season. Therefore, the prescription ‘everyone ought to have free access to water’ has not a full degree of feasibility.

In conclusion, God-Land citizens (as everyone else) never have the *technological* resources to provide water for everyone (for example, the technology to dig a water spring does not work in God-Land environment) and this lack of technology excludes the action ‘to provide water for everyone’ in a number p of circumstances. Therefore, this lack of technology influences the contextual feasibility degree of the prescription ‘everyone ought to have free access to water’.

The second case in which lacked material conditions influence the contextual degree of feasibility of prescriptions is given when: C inhabitants have not $mr-x$ in a number p of circumstances (now and in a predictable future) and $mr-x$ is always necessary to perform $a-x$. This means that the resource is sometimes lacked in a certain context and it is always necessary to perform certain actions in that context.

Let us consider the context of God-Land, and the material resource ‘rain’. ‘Rain’ is the unique resource providing water in God-Land. This means: ‘no rain, no water’. In the previous example, rain is lacked in God-Land in certain circumstances (during the dry season), and this fact implies that God-Land citizens are not able to provide water for everyone in certain circumstances. Consequently, God-Land inhabitants have not (now and in a predictable future) the option to satisfy the prescription ‘everyone ought to have free access to water’ in a certain number p of circumstances, because they lack the resource ‘rain in a certain number p of circumstances. Therefore, the resource ‘rain’ is lacked in a number p of circumstances, and this fact excludes the actions to satisfy the prescription from God-Land inhabitants’ option set in a certain number p of circumstances. Hence, it is a soft constraint for that prescription in that context.

The third and last case in which lacked material conditions influence the contextual degree of feasibility of prescriptions is given when: C inhabitants have not $mr-x$ in a number m of circumstances (now and in a predictable future), $mr-x$ is necessary to perform $a-x$ in number q of circumstances (now and in a predictable future).

Furthermore, there is a number p of circumstances in which it is necessary to have $mr-x$ to perform $a-x$ and C inhabitants have not $mr-x$.

Let us assume that God-Land citizens develop a technology to preserve rainy water for a period of time. So, they have large silos in which the water is preserved and it remains potable for one month. In this situation we know that i) they lack rain during the dry season; ii) they have one month of water autonomy after the rainy season. This means that the lacking resource 'rain' does not exclude the action 'to provide water for everyone' in the month after the rainy season. In other words, in that month the lacking resource 'rain' is not necessary to provide water, because God-Land inhabitants use the water they preserved in the silos. This means that 'rain' is not necessary in any circumstance, but it is necessary just in a certain number of circumstances (all those circumstances in which there is not water in the silos). Supposing that God-Land inhabitants have 'rain' in a number m of circumstances and they have 'water in their silos' in a number q of circumstances; they do not have not the option to satisfy the prescription in a number p of circumstances that is equal to $1 - (m+q)$. So, the lack of 'rain' influences the feasibility of the prescription in that number p of circumstances and not in any circumstance in which it does not rain.

Let me show that lacking material resources can influence the contextual degree of feasibility of normative political prescriptions since they can be conform to the criterion for the selection of soft constraints. That is to say, no-clause of the criterion for the selection of soft constraints excludes lacking material resources from the set of facts that could influence the contextual degree of feasibility of normative political prescriptions.

A lacking material resource is a soft constraint for the prescriptions x if:

- a) it influence the ability degree of C inhabitants to act in accordance with x in C ;
- b) it does (a) despite or because the interactions of C with other contexts;
- c) it does (a) now and in a predictable future

- d) it exists in C independently of what people living in C want

The first clause of this criterion does not exclude all lacking material resources from the set of soft constraints, since it is opportune to think some lacking material resources influence the degree of ability of people inhabiting certain contexts to act in a certain way. When a lacking material resource excludes the actions that a prescription demands from the option-set of those people inhabiting a context in number p of circumstances, then that lacking material resource could be a soft constraint.

The clauses b and c do not exclude all lacking material resources from the set of soft constraints and the reason is quite banal. It is opportune to think that a certain group of human beings inhabiting a context lacks some resources even if it interacts with other groups; and it is or even in a predictable future.

Clause d does not exclude all lacking material resource from the set of soft constraints, since it is opportune to think that some material resources are lacked in a certain context even if all the inhabitants of that context do not want to lack them. For example, even if all human beings do not want. So, a certain degree of light is lacked in certain circumstances even if all human beings in that circumstance do want to lose it.

In conclusion, none of these clauses excludes that lacking material resources could constrain the contextual feasibility of normative political prescription. Therefore, a lacking material resource that respects all these clauses is a soft constraint

Human needs

After having ascertained that lacking material resources affect feasibility and after having shown how they do it, I pay attention to the frustration of human needs as facts influencing the feasibility degree of prescriptions. Different from lacking material resources, human needs do not *exclude* certain actions from agents' option sets. Human needs influence the feasibility degree of prescriptions via affecting the *agents' ability to be motivated* to perform certain actions. Precisely, the main

hypothesis of these paragraphs is that the frustration of human needs affects the agents' ability to be motivated to perform certain actions. Hence, the *frustration of human needs* affects the feasibility of the degree of normative political prescriptions. I already sketched the idea that the ability to perform an action is influenced by the ability to be motivated to perform that action. The assumption behind this idea is that any action (excluding strictly coerced action¹²⁰) needs a motivation: so, human beings do not act without having either a conscious or an unconscious motivation to act. In my thesis, I accept that in order to perform the actions demanded by normative political prescriptions, human beings need to be consciously motivated to perform those actions.

This means that given the (set of) prescription(s) x demanding the actions $a-x$, all the agents subject to x should have the motivation¹²¹ $m-x$ to perform $a-x$. If the agents have not the motivation $m-x$ they will not perform $a-x$. If the agents are lowly able to have the motivation $m-x$ they will not perform $a-x$ in a certain number of circumstances. A similar idea is found in Gilabert:

An agent A has the power [ability] to bring about an outcome O in circumstances C if and only if O would occur if A tries, in C , to bring it about (and A can indeed try). When we consider specific processes, it is often useful to break down the variable for outcomes into several components. Three such components are (i) *the agent's deciding to act* (ii) the agent's acting; and (iii) the action's producing the desired consequences. Thus, when we consider the feasibility of a group of workers obtaining a salary raise by means of strike action we explore *the ability of various workers who support the strike action to form the intention to strike, to initiate and continue the*

¹²⁰ A strictly coerced action is here intended as the one that someone performs when someone else or something uses her/him as an object, an action that is physically determined by someone else or something else.

¹²¹ I will consider only conscious motivations, so I do not specify that they are conscious anymore. Probably agents' unconscious motivations could be also feasibility constraints given that they do not seem dependent on what the agents want and they determine whether or not an agent will perform an action. However, this is just a naïf intuition that would need further analysis.

strike action throughout the appropriate period of time, and to obtain through their actions the concessions from managers they were aiming at¹²².

Does this mean that I should reconsider *agents' own motivations* as conditions to act in accordance with normative political prescriptions? In other words, should I consider agents' own motivations as feasibility constraints? I do not think so: I still think that agents' own motivations are the expression of what agents want. So, it is not the case that agents' own motivations are 'independent of what agents want' and because of this they cannot be considered feasibility constraints. However, other facts such as *human needs* do affect agents' *abilities to be motivated* in certain ways, so they can influence agents' motivations and actions. Hence, in case human needs are independent of what agents want, they could be considered soft feasibility constraints.

Here, I pay attention to *human needs* as factors influencing the ability to be motivated to perform certain actions (or using Gilabert's terminology, I suggest that human needs are factors influencing the 'agent's deciding to act'). That is to say, I hold that human needs affect motivations: precisely, their frustration influences the ability to be motivated to perform demanded actions. Human needs are the 'elements required for survival or for mental and physical health' of human beings¹²³. According to a broad psychological definition, these needs are 'organismic necessities', where the term 'organismic' refers to human being. Being *necessities*, needs characterise human beings independently of what they want: *they are necessary for human beings*. In this paragraph, I suggest an argument to hold that i) human needs are different from mere preferences expressing what human beings want; ii) human needs have motivational force. That is to say, they affect the motivations of human beings. Then, the frustration of human needs affects human beings' motivations and consequently it affects the feasibility of prescriptions.

Despite the intuitive definition above, the notion of 'need' deserves a more adequate attention, especially in order to distinguish when a claim is grounded on *needs* and

¹²² Gilabert, P. (Forthcoming), "Justice and Feasibility: A Dynamic Approach", in K. Vallier & M. Weber (eds.), *Political Utopias*, Oxford: Oxford University Press. p.3. Emphases are mine

¹²³ Deci, L. & Ryan, M. (2000), "The What and Why of goal pursuits: Human needs and the Self-Determination of Behaviour", *Psychological Inquiry*, 11(4), p. 229

when it is merely something that agents want. One of the first aims that an argument based on the notion of needs should achieve is to clearly distinguish ‘what agents need’ from ‘what agents want’. Hence, it is necessary to define and characterise the notion of ‘need’ in a way that nobody can argue that needs are just expressions of what agents want. As Wiggins writes, introducing the notion of needs someone could argue: ‘What do you mean by a need? Is a need just something you want, but aren’t prepared to pay for?’¹²⁴.

Like any other fact, human needs are good candidates to be soft feasibility constraints, only if they are independent of what the agents want. Here, I try to provide some reasons to conclude that needs are not the mere expression of what people want and at least some needs could be feasibility constraints. Specifically, I adopt the Wiggins’ characterisation of need, which clearly distinguishes claims about ‘what agents needs’ from claims about ‘what agents want’ in virtue of their relation with *harm*. By doing so, I suggest that *absolute entrenched* needs are feasibility constraints candidates.

Wiggins’ definition of need is formalised in the following way:

I need [absolutely] to have x

if and only if

I need [instrumentally] to have x if I am to avoid being harmed

if and only if

It is necessary, things being what they actually are, that if I am to avoid

being harmed

then I have x.

Simplifying: ‘*I need [absolutely] to have x if and only if it is necessary,*

things being what they actually are, that if I am to avoid being harmed

then I have x’.

That means: I absolutely need *x* when it is *not* possible that I avoid of being harmed and I have not *x*.

¹²⁴ Wiggins, D. (1998), *Needs, Value, Truth*, Oxford: Oxford University Press., p.5

Absolute needs are everything is necessary for the agent in order to avoid being harmed¹²⁵, (*independently of what he/she want*). They are distinguished from purely instrumental needs since the satisfaction of purely instrumental needs is necessary just to satisfy other *deeper* needs, while the satisfaction of an absolute need is necessary to avoid of being harmed¹²⁶. For example, saying that I need five euro in order to buy food in order to avoid of being harmed, I say that the five euro is just an instrument since I use it to buy food; while the food (or nourishment) is necessary to avoid of being harmed. Thus. I have the need of food.

Hence the relevant distinction between ‘what agents need’ and ‘what agents want’ is based on the notion of absolute needs, which implies *harm*. Where the harm is meant in both ways, as *physiological* and *psychological*. The discriminatory difference distinguishing ‘absolute needs’ from preferences expressing ‘what agents want’ is that needs imply physiological or psychological harm when they are not satisfied; while, mere preferences do not.

Furthermore, the fact of being harmed by some unsatisfied need is not an agent choice: being or being not harmed by an unsatisfied need does not depend on what the agent want. In this sense, absolute needs do not depend in any way on what agents (need-bearers) want. Considering the previous example, let suppose that I have no money and I cannot buy any food. In that case, the lack of food harms me and that harm is independent of what I want. That is to say, if I do not get food I will be harmed even if I do not want to be harmed. However, let us suppose that someone offers me a basket of carrots to eat: so, I can choose between eating carrots and buying a burger in order to get food and avoid of being harmed. In that situation, I cannot say that ‘I need five euro’ to buy food because I have food anyway. I could just say that ‘I want five euro’ because ‘I want a burger’. In other words, in that situation, I do not need nothing more to avoid of being harmed, so whatever I claim

¹²⁵ Similarly, authors such as Deci and Ryan (2000) define needs is everything influencing physiological and psychological well-being. Thus, saying that I need x , means to say that x is necessary to my physiological or psychological well-being. Accordingly with previous definition, I am physiologically or psychologically harmed without x .

¹²⁶ When I do not specify if a need is merely instrumental or absolute, I refer to absolute needs.

is not a claim of need¹²⁷.

I suppose that agents are lowly able to be motivated to perform those actions that frustrate their *absolute* needs because it would be harmful. However, not any absolute need is a feasibility constraint: here, I maintain that just *entrenched* needs are. I define entrenched needs as absolute needs necessarily characterizing an individual, a group of human beings or the whole humanity in certain circumstances during a certain lapse of time *t*. According to the c-clause of the criterion for the selection of soft constraints, I define the time *t* as ‘*now and in a predictable future*’. Hence, *x* is an entrenched need if an individual or a group of human beings or the whole humanity have the need *x* in certain circumstances now in a predictable future. For instance, let us suppose that a group of people have the *absolute* need of having a partner; they are psychologically harmed without having a partner. Furthermore, let us suppose that those people and other people in the future have and will have that need. In this case, the need of having a partner is an entrenched need for that group of people and future groups of people, and it can be a feasibility constraint since anyone of them will not fully able to be motivated to perform certain actions clashing with their need of having a partner.

A very important subset of entrenched needs is the one of basic needs. Basic needs are features of human nature, they are ‘*constitutive* of what it means to be a human being’¹²⁸. In the examples above: the need of having a partner could be related only to a certain circumscribed group of people, so it is not a basic need. However, it is grounded on the basic needs of *love/belongingness*: need that characterises all human beings (except some anomalies). By definition, basic human needs do not depend on

¹²⁷ The question of harm is a gradual one: that is to say, how bad (harmful) is the frustration of a need is a question of degrees. The question is, how much harm is necessary to say that someone *needs* something instead of saying that someone *wants* that thing. To distinguish needs from mere preferences in real cases, it seems necessary to fix a standard (or threshold) saying us the appropriate degree of harm that occurs when a need is frustrated. The less that standard is demanding (the lower is the threshold of harm), the less harm is sufficient to categorize a frustrated claim as ‘need’. So, the less the standard is demanding (the lower is the threshold) the more claims will be grounded on ‘needs’. This could bring to inflation in the use of the term ‘need’. To fix a standard to define needs is an interesting question that would deserve more attention. Unfortunately, I cannot suggest any standard to define when harm counts as frustration of need. So, I cannot move further analysis in this way.

¹²⁸ Stewart, C. (2003), “Criminogenic needs and human needs: a theoretical model”, *Psychology, Crime and Law*, 9(2), p.8

what human beings want since they are *constitutive* features of human beings. This means that human beings necessarily have those needs if they are human beings. On contrary, if an entity can choose between having or not having a basic need, then that entity is not a human being at all.

Even conceding that certain people do not have these needs, we should maintain that *except some anomalies, basic needs, universally characterise human beings*. Hence, basic needs characterize human beings independently of what they want, and this fact is supported by the rough observation that they are universally shared. Therefore, basic physiological needs (such as the *need of nourishment* or the *need of breath*) and basic psychological needs (such as the *need of love and belongingness* and *the need of security, the need of autonomy and need of self-esteem*) are universally shared facts and good candidates to be feasibility constraints.

Nonetheless, universality is not required to define what is a need and what is not. In fact, it is plausible to talk about *subject specific needs* as well as *spread but non-universal needs*. For instance, let us consider the case in which I have need of 'having the partner Mrs. X'. This is a subject specific need since it is possible that no one else has the same need related to the person Mrs. X. However, it could still be *absolute* and *entrenched* for me. That means, the lack of Mrs. X could harm myself in a relevant way, and my need of Mrs. X could characterise me now and in a predictable future. Differently, the need of 'having a partner' could be a generally spread need: it is generally spread since there is a wide group of people needing to have a partner. It could still be absolute and entrenched since its frustration harms people belonging to that group, and it is plausible to think that they need a partner now and in a predictable future. Both these examples do not regard universal basic needs, but it is appropriate to think that they are still *absolute* and *entrenched* needs. So they could constrain the actions of those agents.

So far, I have held that both physiological and psychological human needs exist independently of what human beings want. Therefore, absolute entrenched physiological needs and absolute entrenched psychological needs are good candidates to be soft constraints. Now, I try to explain what it means that human needs affect the ability to perform actions.

‘Human needs affect motivations’: this is a clear and quite uncontroversial psychological statement that is widely accepted both in folk psychology and in more sophisticated psychological studies (such as those provided by Deci and Ryan). In the paragraph regarding abilities, I pointed out that in order to act in a certain way it is necessary to be able to be motivated to act in that way (this idea has been introduced by Don Locke). Here, I maintain that motivations are the expression of what agents want, but such an expression could be influenced by facts which are independent of what agents want such as human needs are.

The idea that I want to introduce is that the *frustration of human needs* influences *the ability to be motivated* to act in a certain way. Precisely, the degree of ability to be motivated to act in accordance with a prescription that demands a certain action is influenced by the extent to which that action would frustrate human needs. Consequently, the frustration of a need indirectly influences *the ability to act* in a certain way. For this reason, human needs could influence the ability to act in accordance with certain prescriptions: by doing so, they influence the feasibility degree of prescriptions. The more ‘*to perform an action A*’ frustrates human needs, the less the agents will be able to be motivated to perform that action. The less the agents are able to be motivated to perform the action A, the less that action A and the related prescription are feasible.

Let us suppose that a certain (set of) prescription(s) x demands to perform the action(s) $a-x$ which requires the motivation $m-x$. Let us suppose that the performance of $a-x$ frustrates one or more of agents’ needs. In this case, the frustration of agents’ needs influences the agents’ ability to have the motivation $m-x$. The consequence is that the agents are more frequently ‘amotivated’ to perform $a-x$: they are weakly stimulated to act in accordance with x . So the performance of $a-x$ is unstable and the prescription x is often sensitive to defections. Therefore, x is less feasible than prescriptions that do not frustrate human needs.

For example, let suppose that a prescription recommends that ‘everyone ought to have the same quantity of food’ and let us suppose that this means that you are

allowed to eat only fifty grams of rice per day¹²⁹. This prescription certainly frustrates your basic need of nourishment as well as the need of nourishment of the majority of adult human beings. Probably you would agree that the frustration of your need of nourishment influences your motivation to eat just fifty grams of rice. Even supposing that you agree with the strict egalitarian justification of the prescription, after three days of rice diet, probably your motivation to act in accordance with that prescription is weaker than at the beginning of the first day of rice diet. So, if I offer you a burger (or a delicious basket of carrots in case you are vegan) after three days of rice diet, probably your motivation to reject it is weaker than at the beginning of the first day of rice diet. The motivation (and the consequent choice) to eat or not to eat the burger (or carrots) is of course the expression of what you want, but it is influenced by your need of nourishment. That is why the frustration of human needs influences the ability to be motivated and consequently the performance of an action.

In case that a prescription demands actions that frustrate absolute and entrenched human needs, human beings are not fully able to be motivated to perform those actions. This means that it is probable that they are not motivated and do not perform those actions. Therefore, the frustration of those human needs affect the feasibility of that prescription.

I want to clarify that the fact that acting in accordance with a prescription frustrates a particular need *does not mean* that ‘to perform’ the demanded action is more costly (in terms of needs) than ‘to defect’. A particular need is just one competitor of other needs. In the moment in which an agent searches for the motivation to perform an action, she could reasonably believe that performing the prescribed action frustrates the need *a*; while do not performing the prescribed action could frustrate the need *b*. Let us suppose that the frustration of *b* is more burdensome than the frustration of *a*. In this case, the agent would probably prefer to perform a-x. To understand if the frustration of a need affects the feasibility of a certain (set of) prescription(s), it would be important to compare whether *defect* from that (set of) prescription(s) is

¹²⁹ Because this is the per-capita quantity of rice ensuring that everyone have the same quantity of food in the context in which you live.

more harmful than to act in *accordance* with that (set of) prescription(s). However, also this evaluation is a complicated job.

Human needs and feasibility

In this paragraph my aim is to show that absolute entrenched human needs affect the general and contextual degree of feasibility of normative political prescriptions. Here, I am going to take in consideration only basic human needs, since I assume that the universality of these needs simplifies the argument. Thus, in the rest of this thesis, when I use the term human needs I mean *basic physiological human needs* or *basic psychological human needs*, which are universally shared.

To recap, the main hypothesis of the next two paragraphs is that the frustration of human needs influences the feasibility of normative political prescriptions. That is to say, normative political prescriptions demands that certain agents perform certain actions; the performance of certain actions could frustrate certain agents' needs; since those demanded actions frustrate agents' needs, those agents are not fully able to be motivated to perform the demanded actions; since motivations are necessary to perform actions, the frustration of needs indirectly influences the performance of those actions; that is to say, the agents could more easily defect to perform the demanded actions because it is highly costing to perform them. Therefore those prescriptions demanding actions that frustrate human needs have not a full degree of feasibility.

In this paragraph, my first aim is to show that some prescriptions could demand actions that would frustrate human needs and this fact affects the feasibility of those prescriptions in *general circumstances*: namely, in a *certain* number of worldwide spread circumstances now and in a predictable future. This can happen in two cases: first, when the *recommended actions* frustrate human needs in a certain number of generally-spread circumstances. The recommended actions are those actions that are part of the content of a prescription. For example, given prescription 'you ought to pay taxes', the action 'to pay taxes' is the recommended action; second, when the actions that are *necessary* to implement or maintain the prescription frustrate human

needs in a certain number of generally-spread circumstances. The necessary actions to implement or maintain a prescription are not part of the content of the prescription; alternatively, they are actions that we need to perform in order to be able to act in accordance with the prescription. For example, given the prescription ‘you ought to pay taxes’, you probably need to know in which way you have to pay taxes and how to do it. This presupposes that we should implement and maintain procedural rules, employers and structures warranting that everyone can pay taxes. All the actions that we have to perform in order to implement and maintain (and facilitate) the possibility that everyone can pay taxes are necessary for the feasibility of the prescription.

In the first case, let us suppose that a certain (set of) prescription(s) x *recommends* that human beings (in general) ought to act in a- x way. Let us suppose that acting in a- x way frustrates a certain human need in certain number of generally-spread circumstances. Given the assumption that the frustration of human needs influences the ability of being motivated, human beings are not fully able to be motivated to perform the prescribed action a- x in certain number of generally-spread circumstances. Therefore, they would violate x in a certain number of generally-spread circumstances: they would transgress x in a certain number of circumstances. In the second case, let us suppose that human beings have to perform the action a- x in order to *implement* or *maintain* the prescription x . Let us further suppose that performing a- x would frustrate human needs in a certain number of generally-spread circumstances. Still, I would conclude that human beings are not fully able to be motivated to perform the action a- x , which are necessary to implement or maintain x . Therefore, human beings would violate x in certain number of generally-spread circumstances: they would not act in a way to implement and maintain x in a certain number of circumstances.

I consider the case in which a certain (set of) prescription(s) x *recommends* the action(s) a- x : so, human beings should perform a- x , but performing a- x frustrates a certain human need in any part of the world. Thus, I say that human beings are not fully able to be motivated to perform a- x in certain circumstances. For example, let us suppose the catholic prescription ‘all those people who are not married ought to

avoid sex', namely, no unmarried people are allowed to engage in sexual activities, neither with other people nor by themselves. In this case, all unmarried people ought to avoid any sexual practice, and we can agree that this radical sexual deprivation can be psychologically (and maybe physiologically) harmful. That is to say, sexual deprivation frustrates human beings' need for sex (except in some anomalous subjects). So, the frustration of the need for sex does affect our ability to be motivated to act in accordance with the recommendation of that prescription in certain generally-spread circumstances. Consequently, the sexual frustration does influence the probability that human beings act in accordance with that prescription in certain generally-spread circumstances. Therefore, the sexual frustration influences the general degree of feasibility of that prescription.

Let us consider the second case now. Suppose that a certain prescription x can be maintained or implemented through the actions $a-x$, but performing the actions $a-x$ frustrates a certain human need in any part of the world now and in a predictable future. So, human beings are not fully able to be motivated to perform $a-x$ in certain circumstances. For example, suppose that we are firmly convinced that any human being has the right to sufficient primary goods. Suppose that the only way to warrant that all human beings have sufficient primary goods is to coordinate and organize any productive activity, independently of what people would like to do. So, let us suppose that a World Labour Authority plans what human beings should do for the next ten years. That means, in order to satisfy the prescription 'anyone has a right to sufficient primary goods', human beings have not the freedom to choose their jobs. Or, more precisely, they have not the freedom to reject the jobs that the Labour Authority gives out to them. That means, human being have to do the job that the Labour Authority decides. We can agree that this frustrates the need of autonomy of human beings¹³⁰. Hence, the general frustration of such a need influences the human beings' ability to be motivated to perform the actions that their jobs require. So, the frustration of autonomy influences the probability that human beings perform the

¹³⁰ The need of autonomy is seen as a fundamental psychological need in Deci and Ryan analysis. Deci, L. & Ryan, M. (2000), "The What and Why of goal pursuits: Human needs and the Self-Determination of Behaviour", *Psychological Inquiry*, 11(4), pp. 233-234

actions that their productive positions require, and consequently they influence the feasibility of that sufficientarian prescription.

After having shown how frustrated needs affect the general degree of feasibility, I want to show that human needs could affect the *contextual degree of feasibility* of normative political prescriptions. The hypotheses are two. First hypothesis, given the features of a certain context, the performance of certain demanded actions frustrates some needs of those who inhabit that context. In this case, the *contextual* frustration of universal human needs depends on the fact that the implementation of a prescription (which content is general) produces some needs-frustrations in certain specific contexts, because of the features of those specific contexts. For example, I will show that a prescription prescribing to share food in a context in which there is not sufficient food for everyone frustrates the need of food of people living in that context. Second hypothesis, given the contextual content of certain prescriptions, the performance those actions that the prescriptions demand frustrates some needs context inhabitants. In this case, the contextual frustration of human needs depends on the fact that the content of the prescription is contextual (the prescription itself specifies in which contexts it should be implemented) and it demands actions that frustrate some human needs.

Thus, some prescriptions could demand actions that would frustrate human needs in certain contexts and this fact affects the feasibility of those prescriptions in certain *contextual circumstances*. As in the case of generally-spread frustration, this can happen in two ways: first, when the *recommended actions* frustrate human needs in a certain number of circumstances contextually-circumscribed; ii) when *the actions that are necessary to implement or maintain* the prescription frustrate human needs in a certain number of circumstances contextually-circumscribed.

In the first case, let us suppose that a certain (set of) prescription(s) x recommends that C inhabitants ought to perform the actions $a-x$. Let us suppose that the performance of $a-x$ frustrates a certain human need in a certain number of C circumstances. Given the assumption that the frustration of human needs influences the ability of being motivated, C inhabitants are not fully able to be motivated to

perform the recommended actions $a-x$ in certain number of C circumstances. Therefore, they would not act in accordance with x in a certain number of C circumstances. In the second case, let us suppose that C inhabitants have to perform the actions $a-x$ in order to *implement* or *maintain* the (set of) prescription(s) x . Let us still suppose that performing $a-x$ would frustrate human needs in a certain number of C circumstances. Still, I would conclude that C inhabitants are not fully able to be motivated to perform the action $a-x$, which are necessary to implement or maintain x . Therefore, C inhabitants would not act in accordance with x in certain number of C circumstances.

Now, I am going to describe four examples in which the frustration of basic needs influences the feasibility of prescriptions.

First case. Let us consider the case in which a certain (set of) prescription(s) x *recommends* the action $a-x$ in the context C . So, C inhabitants ought to perform $a-x$; but given C features, the performance of $a-x$ frustrates C inhabitants' human needs in a certain number of C circumstances. So, C inhabitants are not fully able to be motivated to perform $a-x$ in certain C circumstances.

For example, let us suppose that God-Gran-Vizier is quite sure that God is grumpy because too many God-Land inhabitants suffer from starvation. Suppose the Gran-Vizier prescribes that 'everyone ought to have the same quantity of primary goods' (the content of this prescription is general. It does not specify the place in which that prescription is valid). However, given the extreme scarcity of God-Land, all God-Land inhabitants start to suffer starvation because no one has sufficient food once they act in accordance with that recommendation. So, I can say that the performances that the prescription recommends influence God-Land inhabitants' need of food. The frustration of need of food does influence the ability of God-Land inhabitants to act in accordance with the prescription in certain circumstances. Consequently, the frustration of need of food does affect the probability that God-Land inhabitants do act in accordance with that prescription in certain circumstances. Therefore, the frustration of the need of food influences the degree of feasibility of that prescription in God-Land.

Let us consider a second case in which a certain (set of) prescription(s) x *necessitates* the action $a-x$ be performed in order to be implemented or maintained in the context C . So, C inhabitants ought to perform $a-x$, but given C features, the performance of $a-x$ frustrates C inhabitants' human needs in a certain number of C circumstances. So, C inhabitants are not fully able to be motivated to perform $a-x$ in certain circumstances.

For example, let us suppose that God-Land Gran-Vizier understands that the strict egalitarian prescription does not reduce starvation and it also frustrates everyone's need of food. So suppose, the Gran-Vizier prescribes that 'Primary goods productivity ought increase until everyone has a sufficient amount of primary goods' (the content of this prescription is general. It does not specify the place in which that prescription should be implemented). However, given the extreme scarcity of God-Land, it is necessary to implement a *servitude regime* in order to achieve that goal. So, the actions that are necessary to satisfy that prescription frustrate the need of autonomy of God-Land inhabitants in a certain number of circumstances. The frustration of the need of autonomy does influence the ability of God-Land inhabitants to be motivated to act in accordance with the prescription in certain circumstances. Consequently, the frustration of autonomy does affect the probability that God-Land inhabitants do act in accordance with that prescription in certain circumstances. Therefore, the frustration of the need for food influences the degree of feasibility of that prescription in God-Land.

Let us consider a third case in which a certain (set of) prescription(s) x *recommends* the action $a-x$ in the context C . So, C inhabitants ought to perform $a-x$, but given the content of x , performing $a-x$ frustrates C inhabitants' human needs in a certain number of C circumstances. So, C inhabitants are not fully able to be motivated to perform $a-x$ in certain circumstances.

For instance, let us suppose that God-Gran-Vizier is depressed by all these failed attempts to have a normal city-state. Then, he prescribes that 'only those people or families producing sufficient primary goods to satisfy their basic necessities have the right to inhabit in God-Land' (the content of this prescription is already contextual). Such a prescription implicitly recommends that 'all those people or families who

does not produce sufficient primary goods for themselves have the duty to leave God-Land'. Of course, acting in accordance with the content of this recommendation, some God-Land inhabitants ought to emigrate: they ought to leave their family, their friends, their houses, their pets, etc. All these actions frustrate the needs for love and belongingness of some God-Land inhabitants. Those God-Land inhabitants that should emigrate are not fully able to be motivated to act in accordance with that prescription. So, the frustration of needs of love and belongingness influences the probability that unproductive individuals or families voluntarily leave God-Land. Therefore, the frustration of needs of love and belonging influences the feasibility of that prescription.

Last case. Let us consider that a certain (set of) prescription(s) *x necessities* the action *a-x* in the context *C* in order to be implemented and maintained in the context *C*. So, *C* inhabitants ought to perform *a-x*, but performing *a-x* frustrates *C* inhabitants' human needs in a certain number of *C* circumstances. So, *C* inhabitants are not fully able to be motivated to perform *a-x* in certain circumstances.

Let us consider that the Gran-Vizier recognises that unproductive inhabitants would not voluntarily leave God-Land, then he implements a special Emigration Bureau which role is to organize emigration and constrain people to emigrate. More explicitly, the task of this Bureau is to deport unproductive inhabitants. So, let us suppose that the Bureau members have to perform certain actions in order to implement and maintain the prescription 'all those people who does not have sufficient primary goods have the duty to leave God-Land'. For examples, they should force people to leave their houses, they should force people to take a ship and finally they should bring people in other places. Let us suppose, that these actions frustrate the moral needs and other basic needs of Emigration Bureau officers. Then, such a frustration influences officers' ability to be motivated to perform those actions. Consequently, the frustration of Bureau members' psychological needs influences the probability that they act in accordance with the prescription in a certain number of circumstances. Therefore, the frustration of Bureau members' needs influences the feasibility of the prescription.

All these cases show that human needs frustration could affect the degree of feasibility of certain prescriptions in certain contexts. Therefore, human needs can still be considered a soft constraints.

Conclusion

In this last chapter, I suggested two different kinds of soft feasibility constraints, namely, *lacking material resources* and *frustrated human needs*.

Lacking material resources affect the feasibility of normative political prescriptions since they *exclude some actions from the agents' option set* in a certain number of circumstances. Those circumstances can be generally-spread as well as contextually-circumscribed. This means that lacking material resources can undermine both the general and the contextual feasibility of prescriptions now and in a predictable future. Furthermore, they can influence both the general and the contextual degrees of feasibility of prescriptions. Frustrated human needs influence the feasibility of normative political prescriptions via *influencing the agents' ability to be motivated to act in accordance with prescriptions*. The circumstances in which it happen can still be generally-spread as well as contextually-circumscribed. That means that frustrated human needs can influence both the general and the contextual degrees of feasibility of prescriptions. They cannot *undermine* the feasibility, since the frustration of human needs *never determines* motivations or actions. So, they never exclude some actions from the agents' option set, but they affect the probability (never equal to zero) that agents would perform certain actions.

Suppose that you agree with me: suppose that you agree with idea that lacking material resources and frustrated human needs affect the feasibility of normative political prescriptions. In this case, you could still argue that there is no way to measure the lacking material resources or frustrated human needs. Hence, in the moment in which someone wants to implement or to maintain a set of prescriptions in a certain context, nobody could be able to evaluate the degree of feasibility of those prescriptions. The reason is that nobody can know: first, how many times a lacking material resource excludes the demanded actions from the agents' option set;

second, how much the frustration of human needs influences the agents' ability to be motivated to perform the demanded actions, and how many times that frustration influences actions. Both these criticisms are plausible. I think we cannot currently know for which degree lacking material resources and human needs influence the feasibility degree of prescriptions. For sure, nobody can exactly predict them; furthermore, I am not sure that there exist theories or disciplines that could provide some probabilistic predictions about.

This same criticism can be also addressed against those theories that consider social facts as feasibility constraints. In that case, the criticism is that nobody can exactly know how much the currently existing social facts do affect the implementation of certain prescriptions. That is to say, in the moment in which a policy maker is trying to understand if a certain prescription will have success, nobody is able to suggest him the degree of success of that prescription. However, in this case, theorists could suggest that *social sciences* can probabilistically foresee the impact of social facts on the success of prescriptions: thanks to social sciences, we could (probabilistically) predict whether a prescription will have a satisfying degree of success or not. I do not know if it is the case to be so optimistic about the predictive capabilities of social sciences, but they are still the most appropriate disciplines to evaluate how *social facts affect the probability of success* of certain prescriptions. However, I already rejected the idea that social facts affect the *feasibility*; so, it is not the case to spend more time about the epistemic troubles of this account.

The point here is to understand whether there are disciplines or theories that can provide tools to evaluate the impact of lacking material resources and frustrated human needs over the feasibility of normative political prescriptions.

I do not know if certain disciplines can be useful to estimate the impact of *lacking material resources* over prescriptions. On the one hand, being conscious human beings, we are more or less able to evaluate which actions are excluded from our option-set, given the material features of the circumstance in which we are. For instance, I am more or less able to evaluate if I can build up a castle or climb the Everest tomorrow morning, and I can more or less predict that those actions are not part of my option set in a relevant number of circumstances. Those evaluations are

necessary to perform any action and to live a normal life. On the other hand, I do not know whether there is a formal kind of knowledge that can inform us about this kind of predictions when they regards political prescriptions. That is to say, I am not sure that there is a formal knowledge that informs policy makers about the probability of success of prescriptions, given a certain amount of lacking material resources. Intuitively, it seems that the more this kind of prediction is made about involving a network of technical expertise the more they are reliable. Obviously, politicians are used to considering the opinions of technicians before they make decisions: specialists from natural sciences, engineers, architects and other technical consultants are often part of task forces evaluating implementation costs of prescriptions. It could be interesting to analyse: if and how this expertise can foresee the practical success of political decisions; whether and how these predictions are reliable; how we should integrate opinions coming from different kinds of technical expertise. However, I do not know anything about this topic and whatever hypothesis would be at least naïf.

Differently, evaluating the impact of the frustration of *human needs* on the feasibility degree of prescriptions, we should probably base our predictions on psychological theories. Psychological research analysing whether needs frustration implies defection from normative prescriptions could say something more about the correctness my hypothesis. They could provide methodological advices to predict the feasibility of prescriptions. Finally, they could concentrate their aims on the evaluation of the feasibility of prescriptions. Maybe, humanistic psychological research adopting quantitative methods (as those purposed by self-determination theory scholars) could provide more or less accurate estimates about the feasibility degree of prescriptions. However, in this case, too, I cannot say anything more about this epistemic challenge. That is to say, I have not a good answer to the question, how should we evaluate the impact of frustrated needs on the feasibility of prescriptions?

In conclusion, further analyses are necessary to understand *if* and *how* it is possible to predict the feasibility of prescriptions, given the constraints of lacking material resources and frustrated human needs.

The epistemic challenge is meaningful in order to predict the feasibility degree of a (set of) prescription(s). That is to say, it is important to understand if and how it is possible to predict the impact of frustrated needs and lacking resources on the feasibility of prescriptions, because it is relevant to understand if my account can play a role during the political practice. However, my aim here was not suggest how we should estimate the impact of these constraints on the feasibility of prescriptions, neither was it to suggest a way to obtain reliable predictions. Hence, I do not have any good argument about these questions and I cannot provide any serious advice.

The aim of my thesis has just been to identify feasibility constraints. I think my contribution is useful in order to interpret and criticize those arguments based on feasibility that often occur during public debates. We are used to arguments trying to evaluate the opportunity to implement certain prescriptions in virtue of their feasibility. In these cases, politicians, decision makers, political reporters, social scientists and people around us in general often argue that something is unfeasible or lowly feasible since it clashes with our institutions, our culture, or our economy. Here, I wanted to analyse if these are good arguments.

I maintained that *logic rules*, *physical* and *biological laws* are hard constraints since they make impossible for human beings (at any place and time) to act in accordance with prescriptions that clash with them. In addition to these facts, I held that certain *generally lacking material resources* could be hard constraints too, but we cannot know it. By contrast, I held that *others' motivations*, *frustrated human needs* and *lacking material resources* are soft feasibility constraints since they make it impossible to act in accordance with prescriptions in certain contexts, or they affect the degree of ability to act in accordance with prescriptions.

These facts are feasibility constraints¹³¹ and can be used to argue about the feasibility of prescriptions. Differently, we should reject the idea that it is not opportune in terms of feasibility to implement or maintain certain prescriptions just because they clash with our culture, our economy or our institutions. In case we think that some

¹³¹ I do not exclude that other facts can count as feasibility constraints too. However, I suggest that other feasibility constraints could be reduced in terms of logic rules, physical laws, biological laws, human needs, lacking material resources and others' motivations.

state of affairs is desirable, our challenge is to find the adequate institutions and to modify our culture and economic activities supporting it. Culture, economy and institutions are not constraints for desirable states of affairs; they are tools to enforce them.

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