The Right Critique of Ideal Theory:
Ideality, Modeling, and the Behavioral Asymmetry Objection

[Abstract: Critiques of ideal theory in political philosophy come from both the left and the right. Here I examine the right, public choice, libertarian critique focusing on Buchanan’s version of the behavioral asymmetry objection as recently developed by Freiman. I use Weisberg’s theory of modeling to clarify the debate. I argue that Rawls’ institutional model of the state is a Galilean-style, deidealizable model that uses full-compliance as a simplifying assumption, while market models are minimalist and undeidealizable. I focus on the public goods problem. The charge is that we must make the same behavioral assumptions about the state as we do about the market - and that the state cannot solve the public goods problem any more than markets can. I deny that it is always illicit to vary behavioral assumptions across models, and argue that the state not only can, but often does, solve the public goods problem. (148 word)]

Since Charles Mills’ influential critique of ideal theory, many objections have come from theorists arguing that ideality too often becomes ideology and obscures, or marginalizes, women and people of color.¹ But there is a right, libertarian, or public choice objection to ideal theory that predates this controversy, while sharing some ground with it. Rawls’ theory of justice and, in particular, and his assumption that citizens of a reasonably just society will fully comply with the principles of justice, has been a central target for both new left and old right critics of ideality. Here I respond to the critique from the right.

The argument that there is a fatal tension between Rawls’ institutional model and free-market, equilibrium models, has been made by so many different people, in so many different ways, that’s it’s hard to easily summarize. James Buchanan, for example, argued that Rawls violates a general modelingrequirement he called “behavioral symmetry”.² Will Wilkson describes the same problem as “fudging

¹ Charles W. Mills, “‘Ideal Theory’ as Ideology”, Hypatia, v. 20, #3 (summer, 2005), pp. 165-184.
ideal theory”, G.A. Cohen simply as an “apparent contradiction”. Christopher Freiman sometimes refers to it, *a la* Buchanan, as one of “behavioral asymmetry” though, he also uses the language of “ideal” versus “non-ideal” theory, describing the issue as “an internal inconsistency” in ideal theory. Here we look at the version of the objection developed with admirable clarity in Freiman’s recent book, *Unequivocal Justice*. He argues that the state, on Rawls’ account, only solves the “public goods problem” that bedevils markets, by fiat, by postulating full-compliance – and, furthermore, that the public goods problem undermines state action as well. I rely on recent work on modeling in the philosophy of science by Michael Weisberg, and others, to show where Freiman – and, this approach - goes wrong, in my opinion. Rather than provide an independent argument up front to justify applying models from the philosophy of science to political philosophy, I will let the success or failure of the application speak for itself.

(I) Models

Michael Weisberg says modeling is defined by “the intentional introduction of distortions” into theories. Whether or not that distortion makes what it models more or less ideal is not the point. The point, Weisberg writes, is “the representational ideals of theorizing” and “the goals governing and guiding it”. What are those goals? Obviously, they vary. But, in general, as Peter Godfrey-Smith puts it: “The modeler’s strategy is to gain understanding of a complex real-world system via an understanding of simpler, hypothetical systems that resemble it in relevant respects.”

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6 Weisberg, Ibid.
Weisberg distinguishes between Galilean idealization, minimalist idealization, and multiple-model idealization. Galilean idealization aims to simplify theories to make them “computationally tractable”.8 In using classical physics, for example, to understand or predict the motion of bodies we disregard factors, like atmospheric resistance. Such a model is just a temporary simplification on the way to, or as a reasonable approximation of, a more accurate and complete picture, of what is modeled.

Minimalist idealization, on the other hand, involves models “that include only the core causal factors”: “a minimalist model contains only those factors that make a difference to the occurrence and essential character of the phenomena in question.”9 For example, in explaining Boyle’s law chemists simply stipulate that gas molecules in low-pressure gases do not collide – even though they do – because such collisions make no difference to the phenomena being explained. “Despite the differences between minimalist idealization and Galilean idealization” they well could, in principle, produce identical models - but while particular Galilean idealizations might be deidealized as our understanding progresses, minimalist models cannot be.10

Weisberg’s third class of models, multiple-model idealizations (MMI), is of special interest to us. This “is the practice of building multiple related but incompatible models, each of which makes distinct claims about the nature and causal structure giving rise to a phenomenon.”11 Just like minimalist modeling, MMI models are not “justified by the possibility of de-idealization back to the full representation.”12 In ecology, Weisberg says, theorists produce “multiple models of phenomena such as predation, each of which contains different idealizing assumptions, approximations, and simplifications”.

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9 Weisberg, p. 642.
10 Weisberg, p. 644.
11 Ibid.
12 Ibid, p. 646.
Aside, from arising out of the need to deal with trade-offs across models, Wimsatt argues that multiple-model idealizations models can lead to straight-forwardly truer theories.\(^\text{13}\)

To be sure, the possibility that MMIs can lead to truer theories is not a magic wand that we can waive to dispel contradictions. But, following Weisberg, the on-going use of MMIs in science suggests that if the goals and “representational ideals” are clarified in way that make otherwise incompatible idealized modeling assumptions useful across related domains, we may have reason to accept otherwise contradictory models as leading, together, to truer theories. I hope to show that in the case of the intersection between Rawls’ institutional model of the state and economists’ model of the market. Even though these models make differing behavioral assumptions about the same actors, they can function in tandem to build a more accurate theory.

**(II) Three Models & the Public Goods Problem**

I mention this first model mainly because it will be conspicuous in its absence. Rawls’ “justice as fairness” derives principles of justice via an “original position” in which rational but mutually disinterested actors are asked to agree to principles, in attempting to maximize their share of social primary goods, from behind a “veil of ignorance” which prevents them from knowing the particulars of their identity, social situation, and anything about their probability of being a particular kind of person in a particular social situation.\(^\text{14}\) I take this to be a normative model. Though more well-known, we leave it aside as it is not the target of the behavioral asymmetry objection.

In the second stage of Rawls’ argument, he shows that his principles are also supported by the way they can be satisfied descriptively by particular institutions.\(^\text{15}\) This model clearly has a normative


\(^{15}\) Rawls, pp. 195-394.
element since Rawls expects it to act as secondary support for his principles of justice. But it also has a
descriptive component, since the support it offers consists of showing how such institutions are
possible. The model assumes that the principles of justice will be fully complied with. Rawls recognizes
this as an idealized modeling assumption, but justifies it like this: the project of specifying institutional
models is made more tractable if we start with an idealized model with the false assumption of full-
compliance and de-idealize it in stages (the constitutional, legislative, judicial, and individual stages) to
work out more accurate institutional models. I think it's also fair to assume, as Freiman does, that
Rawls' counts his model as (among other things) providing a feasible solution to the public goods
problem.

Economists use any number of models, but basic market models are a class of equilibrium
models. What is usually meant by “the market”, and certainly what Rawls means by the market, is an
idealization that comes from conventional microeconomic modeling. Among the idealizing assumptions
under which the market is a stable, pareto-optimal equilibrium is that people are rational utility
maximizers. Here we need only focus on two things. The market depends on an idealized behavioral
assumption that is at odds with the idealized behavioral assumption in Rawls model. And that even well-
functioning markets give rise to the public goods problem.

Rawls' model is a Galilean idealization since its aim is to make the design of political institutions
more tractable and it is de-idealized in successive stages. Whereas the market model is a minimalist

16 Rawls, pp. 267-270.
17 Rawls, pp. 195-200.
18 Thanks to ____________, for pointing me towards the gold-standard textbook treatment of microeconomic
market modelling in Andreu Mas-Colell, Michael Whinston, and Jerry Green's Microeconomic Theory, Oxford,
1995, especially Chapter 10 on “Competitive Markets”, but, see also, Lawrence Boland, Equilibrium Models in
Economics, Oxford, 2017; and for a philosopher’s take, see, Alexander Rosenberg, Economics-Mathematical
Here I follow Boland’s account, in particular the way, he rejects unlimited knowledge and infinite time idealizations
and avoids the nuances of behavioral economics, arguing “That is important to recognize – though rarely it is
recognized – that the only behavioral assumption in neo-classic equilibrium models...is that every individual
recognized in the model is a maximizer – maximizing utility or satisfaction...” (p. 8)

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model since it is an equilibrium model that cannot continue to function if it is deidealized. If we relax the behavioral assumption, in other words, the model won’t find a stable equilibrium. Finally, the market creates a specific public goods problem and the state solves it.

Here’s the public goods problem. A public good is any non-excludable, non-rivalrous good. Relevant examples are roads, national defense, and public parks. A good is non-excludable if it is publicly available in a way that prevents feasible exclusion of anyone using it or availing themselves of it. It is non-rivalrous if it is the kind of good the enjoyment of which does not prevent or limit others similar enjoyment. The existence of such goods creates generalizable problems. Specifically, it creates the problems of provisioning, free-riding, and externalities from excessive use. By definition, it is difficult to prevent people from enjoying the good whether or not they contribute to provisioning for it and to prevent them from overusing it in ways that cause harm. Public goods will not be provisioned for under the standard assumption that actors in the market simply maximize their own good.

(III) The Argument

(1.) The “perfect state is a pointless state”.

Freiman begins with one version of an old joke (his version is from King of the Hill). “Bill: In a perfect world, I’d have longer arms so I could shave my back./Hank: In a perfect world, you’d have no back hair.” Idealized models are a way of fudging, Freiman says, the fact that “the very reasons why the state is needed are reasons why the state won’t work”. Take the public goods problem. According,


[23] Idid.

to Freiman, “a state that efficiently provides public goods is itself a public good”: “Free riders won’t pay the costs of good government for the same reason why they won’t pay the cost of clean air”. 25

But Rawls doesn’t assume a “perfect state”. At most, he assumes a state perfect in one particular way: that it is fully-complied with. If full-compliance was Rawls’ solution specifically to non-compliance, this would be an illicit move. But it serves other purposes.

Yet, Freiman charges that “Rawls and other ideal theorists equivocate to relieve the tension [in their view]: instead of using consistently ideal assumptions, they assume that people are unjust in markets” and not in their idealized state. 26 However, Freiman is wrong that Rawls makes idealizing assumptions about the state while assuming a non-idealized market. On the contrary, the market too is idealized, just not in the same way. The market idealizations come, as I said above, from conventional microeconomic modeling. Among the idealizing assumptions is that people are rational utility maximizers. The issue is that, even under this highly-idealized model of what a market is or can be, markets still exhibit a public goods problem. 27 The state is, for structural reasons, a possible solution to that problem. How? There are multiple-routes, but just to have one example to refer to: the state can tax transactions or actors in the markets and provision that revenue to pay for public goods. It’s easy to overcomplicate what’s going on here.

Freiman insists that “Rawls posits unjust behavior in the market” and “just behavior in politics”. 28 But Rawls does not assume that people behave “unjustly” in the markets. On the contrary, he assumes people behave according to standard economic assumptions. Indeed, he assumes, along

25 Ibid.
26 Ibid, p. 2.
28 Ibid, p. 3.
with many others, that markets might have a role to play in a just society because the outcomes of markets will be, in many ways, good.\textsuperscript{29}

Idealization is not the problem. Economic models are, if anything, more highly idealized than Rawls’ idealized institutional model. Indeed, Rawls’ model appears to be a deidealizable, Galilean model where the market model is not. The problem is that these models make different idealizing assumptions. So, there are at two ways to develop Freiman’s line of attack. One is to argue that there is something illicit about varying behavioral assumption. This is where I will argue, following Weisberg, that there is nothing wrong with making different behavioral assumptions across multiple-models even of interrelated phenomena. We will go there next. The other line of attack is to argue that the same public goods problem bedeviling markets assures that the state cannot, in fact, provision for public goods either and, thereby, correct for the market’s failure to do so. There I argue that even if we grant that the state has a public goods problem it is not the same public goods problem that the market has.

(2.) “Behavioral Asymmetry”.

“On the basis of elementary methodological principles it would seem”, Buchanan wrote, “that same model of human behavior should be applied across different institutions or different sets of rules.”\textsuperscript{30} “[A]ny normative theory of the state”, Geoffery Brennan argued, which “attempt[s] to answer questions about what the government should do” must rely on a “behavioral model [that] remain[s] invariant over institutions, [this] is to do no more than apply the ceteris paribus”.\textsuperscript{31} But this is just wrong. As Weisberg explained, it is perfectly reasonable for multiple-models to make contradictory assumptions as long as these can be reasonably motivated. Freiman neglects that the relevant comparison is of two

\textsuperscript{29}Rawls, pp. 239-242.
\textsuperscript{30}Buchanan, 2008, 10.4.6.
idealized models – not of one idealization (of the state) to another unidealized domain (actual markets). Buchanan’s mistake is assuming that these two models should make the same behavioral assumptions.

Even though we know that everyone won’t fully-comply with the principles of justice, Rawls is suggesting, it is important to see what state institutions might look like if they did - as a first step in figuring out what real state institutions might look like. For economists, they want to make predictions based on what an ideal market which reached a stable equilibrium would do even if they have to make certain false assumptions about economic actors to model equilibrium. Two models. Two different goals. Two different sets of assumptions. Multiple-Models Idealization.32

Given that two dramatically different kinds of models are deployed here for two very different purposes, it’s hard to even specify what would count as the same behavioral assumptions. What if we assumed that economic actors fully-complied with the rules of the market? We do. Wide-spread thievery undermines market models as much as anything does. The public goods problem arises despite the fact that economic actors comply, in fact, because they do. One point of the market model is to see what markets can possibly do and what they cannot possibly do. One thing these models show is that the markets cannot successfully provision for public goods without violating their own behavioral assumptions.

What if we take behavioral symmetry in the other direction? What if we assume that state actors will not fully comply with the principles of justice, because they will behave more like actors in the economic model?

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32 Commentators have suggested that I may be misinterpreting MMI as a fusion of the other two kinds of models, rather than a completely independent third kind of model. But I don’t count MMI as a fusion of the other two models per se, but as the simultaneous application of two or more models that make competing assumptions to the same or overlapping domains. But what kind of models are these two or more models going to be? If the schema is exhaustive, then they must either be Galilean idealizations, minimalist (or hypothetical pattern idealizations), or more MMIs. So, if multiplying models comes to an end somewhere, I assume MMIs are always decomposable into a mix of Galilean and minimalist models.
Do people with limits on their social and altruistic motivations contribute to public good or not? If so, then the state isn’t needed to provide public goods. If not, people won’t contribute to the public good of the state.\footnote{Freiman, p. 13.}

But this misses the point. There’s no thought that either, or both, of the models count as complete account of human behavior or motives or a complete picture of the relevant actors’ psychology. However, one lesson of the simplified, minimalist economic model is that if people fully-comply with the rules of the market they won’t solve the public goods problem in the context of the market. One lesson of the political model is that people \textit{may} be able to solve the market’s public goods problem, if the state provides a route for them to do so. Rawls’ institutional model does not prove that the state \textit{will} solve, are always solves, the problem. It says the state is structurally situated so that, under the right conditions, it \textit{could} solve the market’s public goods problem.

\textbf{(3.) “The state has its own public goods problem.”}

Freiman has another way to develop the argument, though. “The problem with Rawls’ solution” to the public goods problem, he writes, “is that it’s not good enough to stipulate that the state will somehow efficiently provide public goods – we need to know \textit{how}.”\footnote{Freiman, p. 8.} Again, here’s one way: the state can tax transactions or actors in the markets and provision that revenue to pay for public goods. “But here’s the rub: the exact same analysis applies to the government intervention meant to fix” public goods problem.\footnote{Ibid.} In a democracy, for example, Freiman argues you don’t contribute “to the public good of good government [by] just voting but rather [by] voting \textit{well}” and “Voting \textit{well} is much more expensive than plain old voting.”\footnote{Ibid, p. 9.}

Let’s just assume that Freiman is right and the state has its own public goods problem or problems. This public goods problem is not the \textit{same} public goods problem that the market has. It is
analogous, or an example of a generalizable problem. But economic markets have a public goods problem that cannot be solved, structurally, internally, by the market itself. This “voting well” version of the public goods problem may demand an external solution may or it may not. But it’s not the same problem.

Finally, it’s worth noting that actual, existing states do seem sometimes to successfully provision for public goods. A conceptual argument that says that this is not possible must be wrong, if this is so. We can imagine deidealizing Rawls’ model ever so slightly and going from “full-compliance” to (let’s call it) “substantial compliance”. Whatever “substantial compliance” is let’s just assume it is enough compliance to solve the public goods. Then, by hypothesis, a state with substantial compliance solves the public goods problem. It is an empirical question whether substantial compliance is realistic. But do we have any evidence one way or the other?

Well, what are public goods?: roads, sewers, bridges, airports, canals, public schools, parks and other public spaces, and lighthouses, railroads, pollution controls, and more. Since some states do seem to have all those things, apparently, they have substantial compliance that achieves the provisioning of goods - at least sometimes and imperfectly.

So, there’s no in-principle reason to suspect that the actual, non-ideal states cannot solve the public goods problem - nor to rule out the use of idealized models on the way to a real-world account of how they may do so. Ideal theories of the state, like ideal models of the market, are not, in and of themselves, objectionable or obscurist because they make simplifying assumptions. Ideal theories of the state may well have their problems. That they use behavioral assumptions different from those used in standard market models is not one of them.