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On Discursive Respect

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Abstract: Constructivism often expresses a commitment to discursive respect. The paper explores interdependencies between three dimensions of discursive respect, namely, its depth, scope, and purchase. It identifies challenges for constructivist attempts to locate discursive respect in the normative space defined by these dimensions, and considers whether there can be a coherent conception of discursive respect that is plausibly deep, inclusive in scope, and meaningfully rich in purchase. It suggests that locating discursive respect within the matrix of discursive inclusion is a task partly beyond constructivism especially if discursive respect, or the constitutive discursive standing that it accords, is an important good.

On Discursive Respect

1.

It is a widely held conviction that people not only have moral standing, but that they should be accorded a discursive form of such standing. Where we take others to have moral standing – or accord them baseline moral status, or include them within the scope of our moral concern – we take it that there are non-instrumental, moral reasons to protect or support them, or their good. Where we accord discursive standing, we take it that the way in which they may be related to, e.g., in protecting or supporting them, must follow grounds, widely conceived, that are, in some relevant sense, acceptable by them. In practice and in theory, this familiar moral conception is often taken to mark a core ingredient of what it takes to respect others, to recognize their dignity, or to duly respond to their capacities for autonomy, reason, communication, or normative deliberation – to mention just a few of the things that are sometimes invoked to bring out what it is about people that calls for their discursive standing.

Alas, it is contested what discursive standing actually calls for and how its demands are best brought to bear on our practices of reasoning, argument, and decision-making. Some, and notably constructivists (see below), take it to impose meaningful constraints on these practices. Others reject that it does this, but value it nonetheless. Take two extremes: Rawls-type political constructivism and Platonism. According to the former, the goodness of reasons for principles of justice is, as Macedo has aptly put it, “*entirely* a function of their capacity to gain widespread agreement among reasonable people.”¹ On a Platonist view, by contrast, the goodness of good reasons is a property that holds or does not hold independently of whether anyone sees that this is so, while unanimity about a just social order is nevertheless seen as a good – at least where it is rational, or derives, or could derive, from the proper appreciation of the merits of a just order.² Views of either kind attach importance to the acceptability and the goodness of reasons. But they posit different relationships between these things – or, say, different directions of fit. Political constructivism construes the goodness of good reasons in terms of their acceptability by relevant other people. Platonism reverses this order and judges the value of the acceptability of reasons in terms of their goodness. It values rational acceptability, and identifies acceptance as rational on acceptability-independent grounds: it hence seeks “normative” consent, or “ideal” unanimity.³

This prompts a distinction between strong, *constitutive* kinds of discursive standing, and weaker, *derivative* kinds. Let me suppose that where we are reasonable, we are committed to acting on grounds that, at least as far as we can ascertain at the time, are good. Thus, where Betty, who is reasonable, accords to Paul constitutive discursive standing, she is committed to acting on grounds that are both good and acceptable, but takes it, as well, that the goodness of these grounds is at least partly a function of, or is constituted by, their acceptability by Paul. And where she accords to Paul derivative standing, she is committed to acting on grounds that are

¹ Stephen Macedo, *Liberal Virtues* (Oxford: Clarendon Press, 1991), p. 46f; my emphasis. See also John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), esp. lecture III.

² This follows Onora O’Neill’s exposition of Platonism, see her *Toward Justice and Virtue* (Cambridge: Cambridge University Press, 1996), pp. 38-65, and *Bounds of Justice* (Cambridge: Cambridge University Press, 2000), chapter I. Plato took unanimity about a just social order to be a (non-justificatory) component of its perfection: see Plato, *The Republic*, trans. Desmond Lee (London: Penguin Books, 2007), p. 136 (432a).

³ Thomas Nagel refers to this as “ideal” unanimity: see his *Equality and Partiality* (Oxford: Oxford University Press, 1991), pp. 33f. David Estlund speaks of “normative” consent: see his *Democratic Authority* (Princeton: Princeton University Press, 2008), p. 10.

both good and acceptable, but rather than taking their acceptability to be a condition of their goodness, she takes their acceptability, or valuable forms of it, to be a consequence of, or to derive from, their goodness. While the contrast involved here matters greatly, it should not be overdrawn: these kinds of standing are best seen as ideal types that are located on opposite ends of a sliding scale, and so they allow for many intermediate kinds or degrees of discursive standing (I shall return to this).

Let me speak of *discursive respect* where we accord to others the strong, constitutive kind of discursive standing. What I want to do here is to explore dimensions of discursive respect, i.e., depth, scope, and purchase, their tenuous interdependence, and some deep challenges that a calibration of such respect in these dimensions poses for constructivism. To bring my topic into sharper focus, let me briefly state what I take the term “constructivism” to refer to. For my purposes, any practice or conception of moral or political reasoning, justification, or decision-making, will count as “constructivist” if, for a given domain of views, D (e.g., moral principles, value judgments, views of what is reasonable), it endorses a generic standard such as:

GS D-type views are ϕ only if they are authoritatively acceptable by the relevant others,

where “ ϕ ” is a predicate indicating a form of epistemic or practical authority or merit, widely conceived (e.g., “right”, “valid”, “reasonable”, “legitimate”), while “authoritatively acceptable” refers to the kind of acceptability that is taken to confer that merit (e.g., reasonable, rational, coherent acceptability), and “relevant others” to (actual or possible) agents by whom D-type views must be acceptable to earn that merit.

I hasten to add two things. First, given its reference to a *plurality* of agents, GS effectively identifies constructivism as a variant of normative intersubjectivism about the relevant merit. However, this can be of little import where acceptability counts as authoritative and others as relevant only if conditions are met that neutralize doxastic, voluntative, and other differences that obtain between real people. E.g., if you and I are relevant and acceptability by us, given our actual capacities and efforts, is authoritative, much interpersonal difference might impact what views can meet GS. Things will be different if what is sought is ideally rational acceptance by perfectly benevolent, model agents. Second, GS differs from the claim that D-type views that are ϕ are authoritatively acceptable. This claim is not specifically constructivist. That there is a close link between, e.g., *S*'s rightness and *S*'s authoritative acceptability is acceptable also by anti-constructivists, such as Platonists. But, we have seen, rather than construing *S*'s rightness as a function of its acceptability, they identify acceptance as authoritative if it derives, or can derive, from an appreciation of *S*'s rightness. It is distinctively constructivist, therefore, to accord to authoritative acceptability the rank of *constituting* the merit in question.⁴

⁴ While constructivism is often conceptualized as a form of anti-realism, eminent variants of constructivism aspire to remain agnostic about realism, such as Rawls's “political” constructivism: see Rawls, *Political Liberalism*, esp. lecture III. Thus, GS makes no reference to anti-realism. As an anonymous reviewer has observed, it is an open question whether GS captures *all* variants of constructivism in moral and political philosophy; but we may take it that GS captures at least many paradigmatic variants of it. Works that are constructivist in GS's sense can vary widely. Amongst others, they include Brian Barry, *Justice as Impartiality* (Oxford: Oxford University Press, 1995); Seyla Behabib, “Another Universalism”, in her *Dignity in Adversity* (Cambridge: Polity Press, 2011); Rainer Forst, *The Right to Justification: Elements of a Constructivist Theory of Justice*, translated by Jeffrey Flynn, (New York: Columbia University Press, 2011); Gerald Gaus, *The Order of Public Reason* (Cambridge: Cambridge University Press, 2011); David Gauthier, *Morals by Agreement* (Oxford: Oxford University Press, 1986); Jürgen Habermas, *Wahrheit und Rechtfertigung* (Frankfurt am Main: Suhrkamp, 1999). R. M. Hare construes moral *objectivity* in

Discursive respect as a substantive moral commitment may not by itself commit us to constructivism at the level of philosophical theories of justice, reasoning, or justification, any more than, say, the idea that fact differs from fiction commits us to correspondence theories of truth. Still, at the level of theory, it is part of the normative core of constructivism to express a commitment to discursive respect at whatever level of thought, argument, or decision-making, a constructivist acceptability standard, i.e., an instantiation of GS, is being applied. But just how deep can this commitment be – or how fundamental in the order of justification? How inclusive in scope, or its range of beneficiaries, can it be? And, crucially, what purchase, or value for its recipients, can discursive respect aspire to have, especially where it is deep and inclusive? I shall argue that the task of calibrating discursive respect, or of locating it in the normative space defined by the three dimensions of depth, scope and purchase, is partly, and importantly, an ethical task beyond constructivist means. This, we shall see, casts doubt on the idea of form of discursive respect that is deep, plausibly inclusive, and meaningfully rich in purchase. This does not suggest that we should jettison the commitment to discursive respect, or constructivism, for that matter. But it does suggest that the task of reconciling the dimensions of discursive respect might not allow for widely shareable results. We have reasons to concede that this task needs to be addressed on non-constructivist grounds; accordingly, derivative discursive standing seems more fundamental in the order of justification than constitutive standing – especially if the latter is an important good.

My discussion comes in six sections. Sections 2 and 3 address dimensions of discursive respect. Section 2 focuses on depth and scope. Section 3 engages purchase. As discursive respect builds on a notion of “acceptable” grounds, it can vary in purchase depending on what notion it supposes. Selecting such a notion, in turn, is a substantive, partly ethical matter. On this basis, sections 4 and 5 explore the task of calibrating discursive respect in its three dimensions. Section 4 argues that constructivism is insufficient to calibrate the purchase of discursive respect. Section 5 identifies interdependencies between these dimensions that help to conceptualize further limitations of constructivisms. Section 6 then completes the argument by considering various strategies to arrive at a coherent calibration of discursive respect, but finds each of them wanting. This calls into question whether there can be a coherent form of discursive respect that is deep, plausibly inclusive, and meaningfully rich in purchase.

Let me add two more things before I start. First, a two-fold distinction should get out of the way. There is a difference between *agent-focused* and *recipient-focused* discursive inclusion, and *interactional* and *institutional* inclusion. Betty’s commitment to Paul’s discursive standing can take the agent-focused form of a commitment to (i) *her not relating to him* on grounds he cannot accept, or the recipient-focused form of the commitment (ii) to *him not being related to* on grounds he cannot accept. In the case of (i), it is clear, if it ever is, what is asked of Betty to do

constructivist terms: see his “Rationalism”, in Hare, *Sorting Out Ethics* (Oxford: Oxford University Press, 1997); Christine Korsgaard, *The Sources of Normativity*. Edited by Onora O’Neill (Cambridge: Cambridge University Press, 1996); Charles Larmore, *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996); Macedo, *Liberal Virtues*; O’Neill, *Toward Justice and Virtue and Bounds of Justice*; Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1972) and *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, MA: Harvard University Press, 2001); Crispin Wright, *Truth and Objectivity* (Cambridge: Cambridge University Press, 1992). For a more detailed view of constructivism as a form of intersubjectivism: see my *On Practical Constructivism and Reasonableness* (PhD diss., University of Oxford, 2004), chapter 1. For related views: see Miriam Ronzoni, “Construction and Practical Reason: On Intersubjectivity, Abstraction, and Judgment”, in *Journal of Moral Philosophy* 7 (2010); and Mark LeBar, “Aristotelian Constructivism”, in *Social Philosophy and Policy* Vol. 25 (2008).

her part in satisfying the commitment: i.e., her not relating to Paul in a certain way. In the case of (ii), more is needed, but it may not be clear what else is asked for. Whatever its implications, though, this distinction must be crossed with another. Both (i) and (ii) are interactional: they mark cases where concrete empirical agents accord discursive standing to other such agents.⁵ But there are important forms of discursive standing that are not accorded interactively – or not in this narrow sense. For instance, we can assess social or political institutions, widely conceived, in light of the discursive standing they accord to people. E.g., political decision-making that dictatorially imposes policy on citizens accords to them lesser discursive standing, if any, than democratic decision-making that accords to all affected others the power of veto. To take this into account, we may think of *institutional* discursive inclusion in terms of the discursive standing that institutions accord to their recipients. The relationship between interactional and institutional discursive inclusion is complex, but we may simplify things. Let me treat institutional discursive inclusion as a species of interactional inclusion, or as a function of the discursive standing that collective or non-empirical agents – e.g., governments, legislative bodies, groups – accord to individuals. Accordingly, I take it that institutional inclusion, too, can have agent-focused and recipient-focused varieties, but I will now set aside the difference between these things to focus on what they have in common (or so I claim).

Next, as the last paragraph suggests, I approach my topic with a focus on discursive inclusion – or the relationship through which discursive standing is being accorded, or recognized. This marks a wider perspective than a focus on discursive respect, especially if we associate the latter with a constructivist stand. However, the dimensions of discursive respect that matter here in the first instance are dimensions of discursive inclusion, and they define, I submit, a normative space within which a wider family of ideas of discursive standing and inclusion may be located. This includes, as well, non-constructivist ideas and political ideas of deliberative standing, enfranchisement, and participation, e.g., ideas of communicative freedom,⁶ or the ideas of a right to participate democratically⁷ and of a right to initiate public deliberation as a democratic minimum.⁸ Yet this goes beyond what can be argued here. Thus, while what I say on depth, scope and purchase applies more widely, my focus throughout is on discursive respect and on limits of constructivism.

2.

Discursive inclusion may be represented as a structure of the following form:

DI. X accords α to Y in relation to T ,

where “ X ” refers to the agent of discursive inclusion, e.g., an individual, a group, or institution, “ Y ” to its recipient, “ α ” to the sort of discursive standing that is being accorded, and “ T ” to the task or subject matter in relation to which this standing is being accorded, e.g., the justification or selection or justification of reasons, principles, or policies, as correct, reasonable, legitimate, or as the ones to implement. Accordingly, instantiations of DI can vary in several dimensions, including the following:

⁵ On this and other kinds of agents, see Georg H. Von Wright, *Norm and Action* (London: Routledge & Kegan Paul, 1963), pp. 37ff.

⁶ Behabib, *Dignity in Adversity*, p. 147 and pp. 67ff.

⁷ Thomas Pogge, “Cosmopolitanism and Sovereignty”, *Ethics* 103/1 (1992), p. 64.

⁸ James Bohman, *Democracy Across Borders* (Cambridge (MA): MIT Press, 2007), p. 52.

- (i) Who accords discursive standing?
- (ii) Who, or what group of recipients, is being accorded discursive standing?
- (iii) How deep is discursive inclusion? At what levels of thought, argument, or decision-making, are others being accorded discursive standing?
- (iv) What normative impact, strength, or purchase does the standing have that is being accorded?

I shall focus on (ii), (iii) and (iv), i.e., the dimensions of the scope, depth and the purchase. I shall begin with depth and scope.⁹

Take depth first. Discursive inclusion can play its role not only in the selection of first-order reasons – or, in political contexts, in relation to actual voting on token policy proposals – but at many different levels of thought, argument, or decision-making, including levels that are fundamental in the order of justification. Discursive inclusion varies in depth, then, depending on the level of thought, argument, or decision-making, at which the commitment to such standing is expressed. Take a Forst-type “right to justification” and a Kantian constructivist “requirement of followability” of the sort advanced by O’Neill. For Forst, agents have a right to being given reciprocally acceptable reasons in matters that affect them, i.e., reasons that are as acceptable to the reason-giver as they are to the reason-taker. As Forst claims, this is a right to a qualified “veto” in such matters¹⁰ – and so is a right to a strong form of discursive respect. Relatedly, O’Neill sees followability as a requirement of all reasoned thought: in her view, an agent’s deliberation, to be reasoned or reasonable, must be followable, or coherently acceptable, by everyone the agent takes to be affected by it.¹¹ Now, Betty’s belief that she may act toward Paul on such-and-such grounds might affect him just as much as the standards of moral-political justification that are upheld in Paul’s polity; and there are many scenarios in which the latter might affect him and his life-prospects much more than the former. Thus, a Forst-type right to justification can, and O’Neill’s requirement of followability clearly does, apply at various levels:

- (i) the selection of reasons for action: e.g., R is a good reason to do A only if R is suitably acceptable as such a reason by all affected others;
- (ii) the justification of first-order practical principles: e.g., for principles of justice to be correct (or valid, or reasonable), they must be suitably acceptable by all affected others;

⁹ That discursive inclusion has various dimensions has been noted before. E.g., John Dryzek distinguishes between three dimensions of *democratisation*, i.e., “franchise”, or the range of people “capable of participating effectively in collective decision”, and “scope”, or the range of “issues and areas of life potentially under democratic control”, as well as “authenticity”, or the degree in which political participation is “real rather than symbolic”. See his *Deliberative Democracy and Beyond* (Oxford: Oxford University Press, 2000), esp. pp. 8, 29, 86f. My distinction between scope, depth and purchase is independent from Dryzek’s, but his dimensions can be related to the ones suggested here. I.e., franchise is a function of what I call scope, authenticity a function of purchase, and Dryzek’s scope overlaps with what I call depth.

¹⁰ See Forst, “The Justification of Human Rights and the Basic Right to Justification: A Reflexive Approach”, in *Ethics* 120 (2010), p. 719; “The Basic Right to Justification: Toward a Constructivist Conception of Human Rights”, *Constellations* 6/1 (1999), p. 44.

¹¹ O’Neill, “Ethical Reasoning and Ideological Pluralism”, *Ethics* 98 (1988); “Vindicating Reason”, in Paul Guyer (ed.), *The Cambridge Companion to Kant* (Cambridge: Cambridge University Press, 1992); see also O’Neill, *Toward Justice and Virtue*, esp. chapter 2.

- (iii) the selection of standards of practical justification: e.g., for anything to qualify as a standard of the correctness (or validity, or reasonableness) of political principles, it must be suitably acceptable by all affected others.

Discursive inclusion can reach deeper than (iii). Take again O'Neill's Kantian constructivism. On this view, the requirement of followability states the "supreme principle of reason."¹² It hence is being accorded the foundational role of a requirement of *all* reasoning. Consequently, *all* attempts at reasoned thought would commit us to accord to others discursive standing, including reasoning about the nature of reasoned thought itself.

Next, consider scope. As I use the notion here, the scope of discursive inclusion is given by the range of the recipients of discursive standing, or the people to whom that standing is being accorded – e.g., as authors and addressees of public justification, as citizens with a right to vote, as members of the "legitimation-pool" of public policy,¹³ and so on. If we assume that moral precepts depend for their authority on their acceptability by reasonable people, then for the task of a justification of such precepts we discursively include such people. If we assume that political principles need be acceptable only by compatriots, or peers, or the right-minded, then we include only such people. Conceptions of scope often vary greatly in relation not only to the outer boundaries, but also the grounds of inclusion. And even where we agree already about whom or what to include discursively, we can still disagree about these grounds. Betty might argue that the relevant others should be included owing to their agency, autonomy, personhood, or their connection to us – to mention just a few of the prominent candidates – while Paul might argue that their discursive inclusion promotes perfection in them, in us, or in the polity as a whole.¹⁴

Equally important, conceptions of the scope of discursive inclusion can differ in relation to the ontological status of the recipients of inclusion. The recipients may or may not be empirical agents, or real people like you and me – be they referred to in specific terms as "concrete others", or abstractly as "general others".¹⁵ If you include Betty and Paul, you include empirical agents. But if you include Betty-when-reasonable and Paul-when-reasonable, or Betty and Paul under the (counterfactual) supposition that they are reasonable, it is not clear whether you actually, or directly, include real people.¹⁶ For if Betty and Paul are not reasonable in your sense, what you directly include are models of Betty and Paul, or their hypothetical, *idealized twins* – which, you take it, set standards to the actual Betty and Paul insofar as the latter are not always reasonable. This does not mean that there is *no* sense in which you can be said to also include the actual Betty and Paul. But you include them in a filtered, mediated, indirect way: by directly including their idealized twins, you indirectly include the Betty and Paul to the extent

¹² More specifically, O'Neill takes this requirement to state the same principle as the universal law formula of the Categorical Imperative, and regards the latter as the supreme principle of reason: see her "Constructivism in Rawls and Kant", in Samuel Freeman (ed.), *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003), p. 358.

¹³ Marilyn Friedman, "John Rawls and the Political Coercion of Unreasonable People", in Maria Davion, Clark Wolf (eds.), *The Idea of a Political Liberalism* (Oxford: Roman and Littlefield, 2000), p. 23.

¹⁴ See the range of approaches surveyed by O'Neill in her *Toward Justice and Virtue*, esp. pp. 91-100.

¹⁵ See Benhabib, "The Generalized and the Concrete Other: the Kohlberg-Gilligan Controversy and Feminist Morality", in *Praxis International* 5/4 (1986).

¹⁶ Estlund speaks of "people-when-reasonable": see his "The Insularity of the Reasonable: Why Political Liberalism Must Admit the Truth", in *Ethics* 108/2 (1998), p. 259. Larmore invokes counterfactual suppositions of reasonableness. See his *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996), p. 142.

that they have, or take themselves to have, reasons to be reasonable in your sense.

Normatively imbued ideas of the recipients of discursive inclusion abound. Few variants of constructivism, if any, seek brute, normatively entirely unqualified consensus. And in relation to many tasks of reasoning and justification, there is compelling reason to invoke qualifications of some sort. Brute consensus between trusting peers might suffice for decisions that affect them only, but as a standard for the selection of principles of justice it seems outright unreasonable. For what matters now, let me account for this added complexity by making the simplifying assumption that normative qualifications of the recipients of discursive inclusion may be seen as indirect qualifications of the sort of acceptability that is being sought. E.g., if, on your view, discursive respect is owed not to Betty, but to Betty-when-reasonable, then what you take the goodness of your grounds to depend on is their *reasonable* acceptability. Thus, qualifications of the recipients of discursive inclusion may be described in the dimension of the *purchase* that such inclusion has for the actual people on its receiving end – that is, even where they are only indirectly included.

3.

Let me now turn to purchase. Where we accord to others constitutive discursive standing, we have seen, we commit ourselves to act toward them on grounds that are both good and acceptable by them, and take acceptability to place an important constraint on what grounds may qualify as good. Now, many interpretations can be given to the modal element in the idea of *acceptability* at the core of discursive respect. This renders this idea notoriously opaque.¹⁷ It also allows for various conceptions of discursive respect that differ in purchase.

To illustrate, the claim “*S* is acceptable by you” could be said to be true in any of the following scenarios:

- (i) You accept *S*.
- (ii) You would not reject *S* upon consideration.
- (iii) You would not be committed to reject *S* if you were more coherent and informed than you now are.
- (iv) Given the counter-factual condition that you were fully reasonable and rational, you would not be committed to reject *S*.
- (v) It would not be incoherent for you to accept *S* if you considered *S* in the right light and first rejected views you should not accept.
- (vi) *S* is consistent and you have the mental capacity to accept *S* (whether or not *S* is a genuine intellectual or motivational option for you).

Prior to further specification, it is not incoherent for you to claim that I do not respect you discursively if I act toward you on grounds that you cannot now accept coherently. But neither is it incoherent for me to insist that, despite what you might claim, I *do* respect you discursively even if I act toward you on grounds you will never actually be able to accept coherently. It is plain that the value of discursive respect for you varies significantly depending on whether we follow your view or mine. One implication worth observing here is that discursive respect does

¹⁷ See O’Neill, “Between Consenting Adults”, in her *Constructions of Reasons*; see also O’Neill, *Toward Justice and Virtue*, esp. 57ff. See also James Bohman, Henry S. Richardson, “Liberalism, Deliberative Democracy, and “Reasons that All Can Accept””, in *The Journal of Political Philosophy* 17/3 (2009).

not by itself rule out even crude forms of paternalism. E.g., if discursive respect builds on a notion of acceptability that is aligned with (v), your discursive standing may not provide a normative safeguard against the imposition on you of some conception of the good that you quite reasonably resent. For the normative weight of your rejection of that conception can be countered by the consideration that you would change your mind if you appreciated matters in a very different, and, as *others* see it, proper light. Whatever normative safeguard against paternalism constitutive discursive standing provides, then, its role as a safeguard does not so much stem from the constitutive role of acceptability, but from the interpretation attached to the notion of acceptability.

Any conception of discursive respect must build on some notion of acceptability. And, we have just seen, conceptions of discursive respect can vary in purchase depending on what notion they build on. Discursive respect will have much purchase for you if I am to regard the fact that you are committed to reject my reasons, principles, or grounds, widely conceived, given what you now believe, as showing that these grounds fail to be suitably acceptable by you – suitably acceptable, that is, as called for by discursive respect. In this case, the actual you, or your actual views and volitions, normatively impacts what I may see as a good reason to act on toward you. Discursive respect can have little purchase for you if I may take my grounds to be suitably acceptable by you so long as I see reason to believe that you would not be committed to reject them if you viewed them in what *I* take to be the right light – even if it is inconsistent from your actual point of view to accept my grounds or to ever view them in this light. In this case, the actual you, or your actual views and volitions, may have no impact on what, I take it, I may regard as suitably acceptable grounds – the actual you, that is, as opposed to your idealized twin that only considers things in what I take to be the right light. And of course there is much middle ground between an *actualist* conception of discursive respect that takes a simple rejection of *S* as showing that the needed kind of acceptability does not obtain, and a strongly *counterfactualizing* conception that can end up neutralizing the impact even of well-considered and conscientious rejections where they do not meet exclusionary threshold-tests of some kind.

This underpins a conjecture that surfaced earlier, namely, that discursive inclusion comes in degrees. Other things being equal, actualist discursive respect would seem to give greatest weight to the actual views and volitions of other people. Once we begin to normatively qualify, filter, or otherwise bracket the views and volitions that are actually being held by people, their impact decreases and a gap opens between the actual and the normative acceptability of our grounds. This gap widens as these qualifications become more exclusive, as measured in terms of the normative distance between what it takes to meet these qualifications and what people actually are like. E.g., if discursive respect is to build on “reasonable” acceptability, this gap will be narrow if “reasonableness” is understood in such a way that it is easy for average people to be “reasonable”; the gap will be wide if “reasonableness” is construed in terms that make it very hard for average people to qualify as “reasonable”. And as that gap widens, the purchase of discursive respect decreases. In the limiting case, constitutive discursive standing can become indistinguishable from derivative discursive standing. Consider again a counterfactualizing conception of discursive respect. Such a conception may leave the consideration of what others actually accept with little impact on what may count as good grounds to act on toward them.

Let me pause to note that selecting a notion of acceptability for the purposes of discursive respect is not a matter of mere linguistic policy. It is a substantive, partly *ethical* task. The value that discursive respect has for its recipients largely depends on the purchase it has for them; and the notion of acceptability at its core is part of what gives it that purchase. Correspondingly,

whatever notion we adopt, it links our conception of discursive respect to some view of the minimal competency that, we take it, others must have for their non-acceptance of our grounds to call into question their goodness. It thereby enshrines in that conception a view of the baseline normative influence that actual others, through their actual views and volitions, may exact on their social environment. Expectably, then, the purchase of discursive standing matters for an agent's self-respect – seen as an important primary good.¹⁸ It may be difficult to pinpoint the effects of token varieties of discursive standing, given its varieties and degrees, the different levels of thought, argument, or decision-making, at which they can be accorded, and considering, as well, the difficulty of isolating these effects from those of the more substantive precepts agents act on in relating to the recipients of that standing. Still, as it has often been observed, it is part of the social basis of our self-respect that others recognize us as meriting a due measure of moral protection or support – due, that is, as assessed by standards that are not inappropriate by our own lights. Thus, there will be a close link between purchase and self-respect. If we see ourselves and others as being of equal worth, the contribution that their recognition can make to our sense of self-worth is hollow where they do not also view us as having, or meriting, (at least) equal say in matters that affect us – such as the standards by which we are being allocated a measure of protection or support. Note that the issue here is not whether we are being accorded constitutive discursive standing if others are. The issue is whether the purchase of our standing matches theirs – be it constitutive or derivative standing. Your sense of self-worth will be stifled if, as far as you can tell, others whom you regard as co-authors of standards that apply to you do not regard you as an equal co-author of these standards – but see you as a second-class citizen, a mere recipient, or a mere moral client. The experience of being accorded less-than-equal say in matters that affect you can turn the benefit of activity or policy that protects or supports into something that at the same time humiliates, antagonizes, alienates, or breeds resentment.

Purchase matters not only where equality stands to be recognized. As Rawls notes, one aspect in which the citizens of a democratic regime view themselves as free

is that they regard themselves as self-authenticating sources of valid claims. That is, they regard themselves as being entitled to make claims on their institutions so as to advance their conceptions of the good (...). These claims citizens regard as having weight of their own apart from being derived from duties and obligations specified by a political conception of justice, for example, from duties and obligations owed to society.¹⁹

However, the cognitive importance of the self-conception as a self-authenticating source of valid claims need not be tied to the *political* self-conception of citizens of a democratic regime. Nor must its focus be limited to the making of claims on institutions in pursuit of a conception of the good. Perhaps aligned better with the views of the earlier Rawls, if we view ourselves as free *moral* agents, we view ourselves as self-authenticating sources of valid claims in the space of *moral* reasons more generally.²⁰ We take ourselves to be entitled to make claims on others in relation to what they regard as good moral reasons in matters that affect us – claims, moreover,

¹⁸ Rawls, *A Theory of Justice*, pp. 440ff.

¹⁹ See Rawls, *Justice as Fairness. A Restatement*, p. 23.

²⁰ While the later Rawls construes the self-conception as a self-authenticating source of valid claims as part of the political self-conception of citizens of a democratic regime, the earlier Rawls sees it (more plausibly) as part of their self-conception as moral agents: see his “Kantian Constructivism in Moral Theory”, *The Journal of Philosophy* 77/9 (1980), pp. 543ff.

that may be defeasible but that, we believe, have weight in their own right and merit being taken seriously as such. Thus, it is part of the social basis of our self-respect as free moral agents that others recognize us as having this entitlement. And an essential part of this recognition is that they treat our non-acceptance of what they see as good reasons as an exercise of discursive freedom that can call into question, or put in need of justification, what they see as good reasons. Thus, the purchase of the discursive standing that others accord to us is an important part of what determines how accessible for us in practice this entitlement is.

None of this can claim to do justice to the many ways in which the purchase of discursive standing can have ethical significance for its recipients – and, needless to add, this ethical significance is not merely a matter of the recognitive importance of purchase. Still, it suffices to substantiate the point at hand, namely, that the selection of a notion of acceptability for the purposes of discursive respect is a substantive, at least partly ethical issue.²¹

4.

I shall now begin to engage limitations of constructivism in relation to the task of calibrating discursive respect, starting with the issue of purchase.

As a point of departure, it may be useful to relate the more intuitive sense in which the task of calibrating discursive respect is ethical, as I have said above, with a more technical distinction that some authors, and notably discourse ethicists, make between the “ethical” and the “moral”. On this more technical distinction, “ethical” views are taken to (i) express or depend on some conception of the good that (allegedly) can be rejected reasonably by some relevant others. Hence, it is argued, unlike their “moral” counterparts, “ethical” views (ii) do not meet strictly impartial requirements of (qualified) acceptability by all relevant others – e.g., Forst’s requirement of reciprocal and general acceptability, or Habermas’s universalization principle.²² This distinction between the “ethical” and the “moral” is sometimes employed critically, in which case conceptions of the good are referred to as “ethical” to signal a validity shortfall, or limited interpersonal appeal, or reasonable rejectability. How does this relate to the task of calibrating the purchase of discursive respect? Note first that where this distinction is used, (ii) tends to have systematic priority over (i). In other words, whether a conception of the good is “ethical” in this technical sense cannot be read off its content or its linguistic surface (at least not where it could be stated in agent-neutral terms). Instead, it is a matter of whether the conception in question fails the acceptability requirement in terms of which the line between “ethical” and “moral” views is drawn. Two things follow. We need to know in what sense of the notion a conception of the good, or any other view to which the technical distinction is being applied, must be *acceptable* by the relevant others before we can know whether it is “ethical” or “moral”

²¹ Let me note that I use the term “ethical” here in an intuitive, non-technical, ordinary language sense. I do not imply that the task in question is ethical *as opposed to moral*. I will address the way in which the ethicality of this task relates to an influential, technical distinction between the “ethical” and the “moral” in the next section.

²² Habermas, “Vom pragmatischen, ethischen und moralischen Gebrauch der praktischen Vernunft”, in his *Erläuterungen zur Diskursethik* (Frankfurt/Main: Suhrkamp, 1991), pp. 100-18; Forst, “Ethics and Morality”, in *The Right to Justification*, pp. 62-78. This discourse-ethical distinction between the “ethical” and the “moral” is related to, but not identical with, a distinction between *private* and *public* morality that was influential in the Anglo-American debate: see Stuart Hampshire, “Public and Private Morality”, in Hampshire (ed.), *Public and Private Morality* (Cambridge: Cambridge University Press, 1978). John Mackie works with a related distinction when he identifies as a third, *distinct* stage of universalization a stage where moral reasoners, in identifying moral norms, are to look beyond the impact of individual tastes and rival ideals. See his *Ethics: Inventing Right and Wrong* (London: Penguin Books, 1977), esp. chp. 4.3.

in the sense of this distinction. Thus, second, the selection of a notion of acceptability is a prerequisite of that distinction, or its application. Yet what purchase may discursive respect have for the purposes of acceptability standards of the sort referred in (ii)? An answer to this question is not clearly “ethical” or “moral” in the sense of that distinction. Accordingly, the intuitive sense in which the task of calibrating purchase is ethical precedes, and is part of what grounds, whatever more technical ideas of the “ethical” and the “moral” are carved out by (i) and (ii).

Now, are constructivist means sufficient to calibrate the purchase of discursive respect? Such means quickly reach their limits. Let us now take the following to express constructivism’s commitment to discursive respect:

D ψ has epistemic-practical authority (is right, valid, legitimate, reasonable, proper),
only if ψ is *suitably acceptable by all relevant others*.

(D is a variant of GS, above.) Depending on the level of thought at which ψ is located and the range of others counted as “relevant others”, D varies in depth and scope. As to purchase, since various interpretations can be given to the italicized part of D, we need to know in light of what notion of acceptability we are to interpret this part before we can know whether ψ passes D’s test. In adopting such a notion, in turn, we specify what purchase the discursive respect has that D prescribes. Note that the point is not that we cannot *understand* D unless some conception of such respect is being supposed. Rather, the point is that the condition expressed by D is ambiguous between various possible meanings, and to that extent indeterminate, so long as it remains open what notion of acceptability D supposes. And in adopting such a notion, we not only disambiguate D, but also calibrate the conception of discursive respect that D reflects or expresses. The latter is the substantive corollary of the former.

Something similar holds if we appeal to a standard like D to defend, select or authorize a notion of acceptability for the purposes of discursive respect:

D1 Building discursive respect on the notion of acceptability N is right (or legitimate, reasonable, proper) only if awarding to N this status is *suitably acceptable by all relevant others*.

Again, we need to know how to interpret the italicized part of D1 before we can know whether N passes D1’s test. And so long as we lack reassurance that this interpretation *should* be used, we will lack reassurance that building discursive respect on N *is* right. Thus, at any level of thought, argument, or decision-making at which the constructivist acceptability standard is employed, a notion of acceptability must be supposed already, and with it the view that discursive respect *should* or *may* at that level have the purchase that comes with that notion. Accordingly, whatever authority this standard has depends, as well, on whether we should or may adopt that notion and accord discursive respect the corresponding purchase.

It does not follow that it is necessarily circular to invoke a standard like D to defend, select or authorize a notion of acceptability for the purposes of discursive respect. An example will help to substantiate this. Suppose we adopt a standard like D, but premise it on different notions of acceptability at different levels of thought, argument, or decision-making. Suppose, as well, we ask what acceptability threshold lower-order, local public policy must meet to be legitimate, and find that the only reasonably non-rejectable answer is that such policy must be acceptable by all affected persons in light of what they actually believe (whether or not they could reasonably reject the relevant policies). Assume, finally, that we for this reason adopt an actualist conception of discursive respect as part of the conditions of the legitimacy of public policy. In this case, the standard by which we adopt the actualist conception itself reflects or

expresses a conception of discursive respect – albeit a different, normatively qualified, non-actualist one that does its work at a different level of decision-making. Thus, if it stands in need of justification whether actualist discursive respect marks the right acceptability threshold for the purposes of the legitimacy of local public policy, one response might be that it is the only such threshold for those purposes that is reasonably non-rejectable. Whatever its merits, or lack thereof, such a response would not be circular. To generalize, it is not circular to invoke a standard like D to defend, select, or authorize a notion of acceptability for the purposes of lower-order exercises of discursive respect, and this is so at least where the invoked standard builds on a different acceptability threshold than the one that is defended on its grounds.

But suppose it stands in need of justification what notion of acceptability a standard like D may build on *in the first place* – say, at the deepest level of thought, argument, or decision-making at which that standard may do its normative work (whatever level that is). Evidently, constructivism’s options here are more limited. We saw that any application of this standard needs to build on some notion of acceptability, while the authority of the standard depends, as well, on whether it builds on the notion it should or may build on. But then we cannot without circularity rely on that standard to defend, select or authorize the notion of acceptability that it builds on. True, we may need to rely on the standard to test whether building it on that notion coheres with what the then-disambiguated standard prescribes. This matters where the standard applies reflexively – e.g., as a (purported) requirement of all reasoned thought that must pass its own test. Still, it would be the reasons we have in the first place to build the standard on this notion, rather than the fact that the then-disambiguated standard passes its own test, that explain why we should or may build it on that notion. After all, that the then-disambiguated standard is not self-defeating, or even is self-selective, means little if there are no good reasons to adopt it to begin with. And *these* are the reasons we would need to appeal to if the standard, or building it on the relevant notion of acceptability, stands in need of justification.²³

It seems, then, that constructivist means are insufficient to calibrate the purchase of discursive respect. At any level of its application, the constructivist acceptability standard needs to build on a notion of acceptability. And should we adopt a notion because, we believe, it marks an acceptability threshold that is suitably acceptable for its purposes, we effectively adopt one conception of (calibrated) discursive respect on the basis of another. This may be enough in some discursive contexts, depending on what, in these contexts, stands in need of justification. But it does not answer the question of what purchase discursive respect should have to begin with. This question points us *beyond* the space of discursive respect. At some level of thought, argument, or decision-making, the answer must draw on acceptability-independent grounds. Thus, in relation to that answer the relevant others cannot have constitutive discursive standing, but can at most have derivative standing.

5.

This heralds more general problems brought on by the task of calibrating discursive respect in all three of its dimensions. It is not clear what the most plausible position is in the space defined by the dimensions of depth, scope, and purchase – say, the matrix of discursive inclusion. Still,

²³ This does not deny that there can be a minimum threshold of acceptability that D must suppose. E.g., the acceptance of *S* cannot count as authoritative in the matters at hand unless it is consistent, or locally coherent. But it is not beyond reasonable doubt to build D on such a minimalist notion of acceptability *only*. True, *S*, if it is reasonable, must be such that it *could* be accepted without inconsistency – which holds so long as *S* is not inconsistent. But *S*’s reasonableness can hardly be a function of its consistent acceptability in *this* minimal sense.

other things being equal, high values in all three dimensions seem desirable if constitutive discursive standing is an important good. Yet the idea of a form of discursive respect that is deep in application, plausibly inclusive in scope, and meaningfully rich in purchase runs into a thicket of problems.

To explain, let us start from Benhabib's claim that the "moral point of view requires that all those who are affected by a norm, a law, a practice be included in the conversation of justification."²⁴ This practice accords to all affected others discursive respect: for Benhabib, justification is an acceptability-based, intersubjective, constructivist form of justification. Now, other things being equal, the more inclusive in scope justification becomes, the more doctrinal diversity will be included within that scope. As Rawlsians remind us, Western democracies show a persistent diversity of moral, religious, metaphysical and other doctrines and conceptions of the good; and this diversity increases as the scope of justification extends transnationally, toward the cosmopolitan. Now consider the dimension of purchase. The greater in purchase the discursive standing is that the relevant others enjoy, the more extensive will be the normative impact of their actual views and volitions on what can count as suitably "acceptable" by them – suitable, that is, as called for by discursive respect. And with this will increase the normative impact of doctrinal, volitional, and other interpersonal differences. Diversity supposed, then, scope and purchase seem to be interdependent:

SP Given inclusive scope: the more purchase discursive respect has, the less normative or evaluative content, such as moral-political principles or value judgments, can qualify as equally, or reciprocally, acceptable by all relevant others. (And so the less content will qualify as consonant with discursive respect.)

Consider two cases. First, suppose that liberal principles of justice are reasonable only if they are publicly justifiable to, or equally, or reciprocally, acceptable by, all affected others. Assume also we construe this in terms of an actualist conception of discursive respect, and so take it that ϕ is "acceptable" by others in the sense called for here only if ϕ coheres with what they actually believe – say, given some uncontroversial degree of criticality and self-reflection. It is plain that liberal principles cannot pass such a threshold if public justification includes in its scope on equal footing people whose convictions are inconsistent with such principles. But the more inclusive this scope is, the more likely it is that it will include such people, too. Given SP, then, we would face the dilemma to accept that there cannot be reasonable liberal principles – or none that affect anti-liberals – or else to concede that anti-liberals cannot, or not on equal footing, be included within public justification's scope. To uphold a commitment to liberal principles would accordingly be dogmatic, or exclusionary, or both. This marks a familiar problem. Arguably, Rawls adopts an actualist conception of discursive respect and accordingly advances a "populist" view of public justification²⁵ that seeks probable acceptance (rather than possible or hypothetical acceptance). And Rawls effectively secures liberal principles by taking the second horn of the noted dilemma: his political liberalism includes in public justification's scope on equal footing "reasonable" people only, while construing reasonableness in substantive terms that are from the outset geared toward liberal principles.²⁶

²⁴ Benhabib, *Dignity in Adversity*, p. 147.

²⁵ Gerald Gaus, *Justificatory Liberalism* (Oxford: Oxford University Press, 1996), pp. 130ff.

²⁶ This is part of the "internal conception" of political liberalism: see Quong, *Liberalism Without Perfection* (Oxford: Oxford University Press, 2011); see also Besch, "Political Liberalism, the Internal Conception, and the Problem of Public Dogma", in *Philosophy and Public Issues*, Vol. 2/1 (2012), pp. 153-177.

Next, let us factor in the dimension of depth. The interdependence of scope and purchase can have its problematic impact at any level of thought, argument, or decision-making, at which a commitment to discursive respect is expressed. And as discursive respect increases in depth, this interdependence can cast doubt on the very coherence of discursive respect. Suppose, then, we again adopt an actualist conception of discursive respect, but this time take this respect to be deep. Say, we take it to require not only that moral-political principles must be reciprocally acceptable by all affected others, but also that the grounds on which we justify or select them as reasonable need be so acceptable. This iterates the problem just sketched, but now it applies, too, at the level of such grounds. If relevant others cannot coherently accept, e.g., the emancipatory or egalitarian implications of the idea that reciprocal acceptability by all affected others justifies, these things cannot qualify as suitably “acceptable”, or as consonant with discursive respect. But given inclusive scope, it seems inevitable that there will be relevant others who cannot accept such things. Again, we arrive at a dilemma. We would need to accept either that moral-political principles may not be required to be reciprocally acceptable by all affected others, or that people who cannot accept that such principles must be so acceptable cannot, or not on equal footing, count as “relevant others”. On the second horn, we would be dogmatic, or exclusionary, or both. On the first horn, discursive respect would effectively be rendered incoherent.

Thus, the interdependence of scope and purchase becomes more tenuous as the depth of discursive respect increases. This, too, is a familiar issue. It relates to the problem of reflexivity that surfaced already: a constructivist acceptability standard, where it applies to itself, can be self-defeating if relevant others cannot coherently accept it and discursive respect is rich in purchase. Take again political liberalism. Rawls and Macedo secure public justification by building a commitment to it into the “threshold test of reasonableness”²⁷ that people must pass to merit inclusion on equal footing within its scope. Public justification thus turns into an exercise of actualist discursive respect between reasonable people only, while reasonableness becomes “insular”.²⁸ Arguably, Larmore, too, builds a commitment to public justification – he calls it “rational dialogue” – into reasonableness, and includes within public justification’s scope on equal footing reasonable people only.²⁹ In his later work on the topic, though, he seeks to evade the problem of reflexivity by curtailing the depth of (discursive) respect for persons. Thus, he denies that such respect, or the sort of justification it commits to, depends for its importance or authority on its acceptability.³⁰ In relation to these two things, then, *no* relevant other is being granted constitutive discursive standing (as we shall find shortly, this marks one of the less implausible strategies to reconcile the dimensions of discursive respect).

²⁷ Macedo, *Liberal Virtues*, p. 47.

²⁸ On insularity: see Estlund, “The Insularity of the Reasonable: Why Political Liberalism Must Admit the Truth” in *Ethics* 108/2 (1998). On the general point on Macedo and Rawls: see Besch, *On Practical Constructivism and Reasonableness*, part I.

²⁹ Larmore, “Political Liberalism”, in *Political Theory* 18/3 (1990), and “Pluralism and Reasonable Disagreement”, in *Social Philosophy and Policy* 11/1 (1994). For an analysis that brings out this point: Besch, *On Practical Constructivism and Reasonableness*, section I.4.

³⁰ Larmore, “The Moral Basis of Political Liberalism”, in *Journal of Philosophy* 96 (1999), p. 608. In earlier writings, he does not seem to curtail the depth of discursive respect, but instead adopts a contextualist conception of “rational belief” that allows him to claim that his views of (discursive) respect for persons and rational dialogue are not in need of justification in the first place. See his “The Foundations of Modern Democracy: Reflections on Jürgen Habermas”, in *European Journal of Philosophy* 3/1 (1995), and “Beyond Religion and Enlightenment” in Larmore, *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996), esp. pp. 56ff. For a discussion: see Besch, *On Practical Constructivism and Reasonableness*, sections I.11–I.14.

Other variants of constructivism are subject to this problem, too, but seem to fall short of a response altogether. To again revert to views we encountered earlier already, O'Neill's Kantian followability standard applies reflexively in its (alleged) role as a requirement of all reasoned thought. Yet some relevant others will be unable to follow, or coherently accept, the view that thought can genuinely be reasoned only if it meets that standard – if followability, or coherent acceptability, is rich in purchase. The looming problem of self-defeat remains unresolved.³¹ Forst, in turn, takes it that people have a right to justification, and he sees the kind of justification called for here as a matter of meeting a standard of reciprocal acceptability by all affected others. This expresses a commitment to a strong, more actualist form of discursive respect: the right in question confers the power of a qualified “veto”.³² But some people to whom the standard of reciprocal and general acceptability applies will be unable to coherently accept it, or the interpretation that a Forst-type approach attaches to it. The approach is threatened with self-defeat – a problem that, again, remains unresolved.³³

6.

Still, there can be coherent positions in the space defined by the dimensions of depth, scope and purchase – coherent, that is, but perhaps not plausible, or ethically or otherwise desirable. In light of the above, three strategies to arrive at a coherent position spring to mind. Each of them reconciles two of these dimensions effectively at the expense of a third in an attempt to inoculate pre-selected normative content from the tenuous effects of the interdependence of scope and purchase. Thus, they shape discursive respect in the services of prior, substantive commitments, and so *demote* it, but with varying degrees of plausibility.

As to a first strategy, we may try to reconcile depth and purchase by limiting scope. This is the upshot of Rawls' manoeuvre to include in public justification's scope reasonable people only, while defining reasonableness in substantive terms that support liberal principles and the standard of public justification. Political liberalism may still accord discursive standing to the unreasonable. But they at most have discursive standing of the derivative, weaker kind. The idea of equal, reciprocal acceptability by all affected others thus seems to go overboard entirely, and the view we are left with begins to resemble a stretch of exclusionary public dogma.³⁴

A second strategy is to reconcile scope and depth at the expense of purchase. This can take various forms. But in essence the point would be to ensure that *S* can count as “acceptable” by all relevant others, or consonant with discursive respect, even if some relevant others cannot in fact accept *S* coherently. Plainly, there are ways to accomplish this. E.g., liberal principles are “acceptable” by liberals and anti-liberals alike in the counterfactual sense that none would need

³¹ See Besch, “Constructing Practical Reason: O'Neill on the Foundations of Kantian Constructivism”, in *The Journal of Value Inquiry* 42/1 (2008), and “Kantian Constructivism, Perfectionism, and the Issue of Scope: O'Neill on Ethical Standing”, in *European Journal of Philosophy* 19/1 (2011).

³² See Forst, “The Justification of Human Rights”, p. 19, and “The Basic Right to Justification”, p. 44.

³³ It is worth highlighting that the problem that I attribute to Forst's constructivism here is primarily a function of the depth and the purchase that we take a Forst-type right to justification to have, rather than a matter of whether there are any independent, non-constructed reasons to accord to others such a right in the first place. I have suggested earlier that this right is deep, and Forst clearly takes it to be rich in purchase. Given diversity, then, the problem at hand arises – whether or not there also are non-constructed grounds for that right. See also Besch, “Reflections on the Foundations of Human Rights”, available online at <http://philpapers.org/rec/BESROT>.

³⁴ See Besch, *On Practical Constructivism and Reasonableness*, part I, esp. sections I.11-I.14; and Besch, “Political Liberalism, the Internal Conception, and the Problem of public Dogma.”

to reject these things if all met threshold tests of Rawlsian, pro-liberal reasonableness. However, this strategy comes at a cost, too. Decreasing the purchase of discursive respect diminishes the ethical significance it can have for each relevant other. And its significance is questionable at best where each relevant other knows that *S* can count as “acceptable” by her whether or not she can actually accept *S* coherently. Next, while this strategy might notionally be consistent with the idea of equal, reciprocal acceptability, in practice it easily runs up against it. E.g., perhaps liberal principles can coherently be said to be equally acceptable by liberals and anti-liberals in a counterfactual sense of the sort just referred to. Even so, threshold tests of Rawlsian reasonableness, or anything of the type, favour some outlooks over others, and in this case whatever outlooks are aligned with liberal values. Accordingly, the second strategy does not fare much better than the first in matters of dogmatism: in decreasing purchase so as to ensure, e.g., that liberal principles can be said to be acceptable even by anti-liberals, all we really seem to be doing is to insist, without further justification, that liberal principles are right and that anti-liberals are wrong.

The limited plausibility of the first two strategies might recommend a third: we might attempt to reconcile scope and purchase by curtailing depth. This, too, can take many forms. But its point is to distinguish between discursive respect and its normative framework, and to construe discursive respect as inclusive in scope and rich in purchase, while exempting its framework from its demands – in order to defend that framework on acceptability-independent grounds. In principle, this strategy can be instantiated at various levels of thought, argument, or decision-making. E.g., we might require localized, lower-order policy that applies moral-political principles to political matters of limited reach to be acceptable by all affected others in light of what they actually believe, while taking these principles themselves to depend for their authority on acceptability-independent grounds. Or, more fundamentally, and aligned with Larmore’s way to evade the problem of reflexivity, we might take it that these principles depend for their authority on their acceptability by the relevant others, while defending this view on acceptability-independent grounds. The relevant others, then, would have two kinds of standing: at one level of thought, argument, or decision-making, each would have constitutive discursive standing; at another, more fundamental level, none would have this standing, but all would have discursive standing or the derivative, weaker kind. And such a layered allocation of discursive standing may be better aligned with the idea of equal, reciprocal acceptability by all relevant others than what the first and second strategy had in tow.

The third strategy may seem plausible and self-suggesting in its own right – at least if we agree that constitutive discursive standing is an important good, but remain sceptical about the prospects of defending discursive respect on constructivist grounds. And, arguably, various constructivisms are committed to this strategy to reconcile their views about the grounds, standards, or the scope, of moral-political reasoning or justification with the fact that relevant others relevantly disagree with these views.³⁵ Whatever its plausibility, though, this strategy faces problems, too. If, at any level of thought, argument, or decision-making, we exempt normative or evaluative content from the demands of discursive respect, the question arises why we should not do the same at other levels and in relation to other content. To say the least, if our exempting *S* from these demands responds to the fact that *S* – which, we take it, should not be

³⁵ I argue this point in relation to Kantian constructivism in Besch, “Kantian Constructivism, Perfectionism, and the Issue of Scope” and “Constructing Practical Reason”; for parallel cases in relation to political liberalism and a Forst-type constructivism about human rights: see Besch, “Political Liberalism, the Internal Conception, and the Problem of Public Dogma” and “Reflections on the Foundations of Human Rights”.

rejected – cannot be accepted coherently by some relevant others, then we seem to invite more problems than we avoid. Given diversity and inclusive scope, much, if not most, content that we may reasonably deem worthy of non-rejection is such that there will be relevant, intelligent and conscientious others who, at some time or other, are not actually able to accept it coherently. But if, in *S*'s case, this is a reason to exempt the relevant content from the demands of discursive respect, then it is such a reason in other cases, too – other things being equal. Thus, we seem to enter a slippery slope toward pushing out discursive respect entirely.

But perhaps not all things are equal: perhaps we have specific, acceptability-independent reasons to believe that *S* really *is* right, or authoritative, or otherwise particularly important. Still, a practice of discursive respect that is curtailed to suit our convictions, even if they rest on what we regard as good reasons, can be a mere attempt at domination and oppression in the eyes of others who deeply disagree – which is part of the point of Rawls's "fact of oppression".³⁶ And that we did all that we could think of to convince ourselves and, say, whoever turns out to be likeminded, that *S* has merit does not mean that our exempting *S* from the demands of discursive respect on this ground *itself* can be reconciled with whatever these demands should be taken to call for. In fact, it is precisely this type of problem that seems to lend considerable initial plausibility to attempts not to curtail discursive respect, but to *elevate* its importance and *extend* it in scope, purchase, and depth, in moral-political reasoning, argument, and decision-making.

Where does this leave us? There may be strategies to calibrate discursive respect without effectively sacrificing some of its dimensions for the sake of high values in others; and not all strategies that may come in here might suffer to an equal extent from problems of the sort just indicated. Even so, the following seems warranted. The above does not entail that we should jettison the idea of a practice of discursive respect that is deep, inclusive and meaningfully rich in purchase. Nor does it entail that we should give up on the idea of equality in matters of discursive standing – and, we saw above, equality is part of what gives the purchase of discursive standing its recognitive value. Instead, what follows is that we face difficult questions of priority, or at any rate balancing tasks, that may or may not allow for much reasonable hope to arrive at widely shareable results. The deeper discursive respect becomes, the more it takes on the role of a ground-level, foundational value in moral-political reasoning, argument, or decision-making. But the more inclusive and rich in purchase deep discursive respect becomes, the more extensively will it come into competition with other, substantive, and perhaps no less important commitments. I used the examples of commitments to liberal principles and the constructivist acceptability standard – where the latter itself marks a commitment to discursive respect – but what token commitments will be affected here depends on what, prior to further calibration, we take to be the depth, scope and purchase of discursive respect. Accordingly, even if we can plausibly reconcile the dimensions of discursive respect with each other, it is not clear by what standards we can reasonably prioritize either the resulting, calibrated form of discursive respect or the commitments it competes with, or balance them against each other. It *is* clear, though, that it is *not* a step forward to reinvokethe constructivist acceptability standard. If we argue that the result of any attempt to reconcile discursive respect with the relevant commitments is reasonable, proper, or correct, only if it is equally acceptable by all relevant others, we seem to bring back, rather than overcome, the above problems.

Of course, it may be premature to expect that some such reconciliation can be had. The idea of deep, inclusive, and meaningfully rich constitutive discursive standing, as a ground-level

³⁶ Rawls, *Political Liberalism*, p. 37.

value, might irreconcilably conflict with other ground-level commitments, while the ways in which this idea relates to such commitments might ultimately reflect the influence of factors, such as social, political, economic, or other factors, that have fairly little to do with attempts at widely shareable moral-political thought and argument. At any rate, while the prospects of success may be slim, the attempt to reconcile the dimensions of discursive respect – as well as (suitably calibrated) discursive respect with other important commitments – in a way that is widely shareable, seems indispensable especially if deep, inclusive, and meaningfully rich constitutive discursive standing is an important good.