

Public Justification, Political Values, and Domination

Introduction

In John Rawls's political liberalism (Rawls 2005, 2001), legitimate exercises of political power must be publicly justifiable to reasonable citizens on grounds each can coherently accept, where citizens count as "reasonable" only if they can accept certain political values of public culture. Other citizens—the "unreasonable"—have no say in public justification, or no equal say. For Rawls, then, legitimate political power must accord with a subset of cultural values, and can be legitimate even if it is not (equally) justifiable to people who cannot accept them. Does this mean that Rawls permits that such people be dominated? What kind of domination, if any, would this involve, and would it involve "cultural" domination?

This chapter takes its lead from these questions. It offers a reading of the role of public justification in political liberalism that foregrounds differences in the discursive standing of reasonable and unreasonable people, and ventures to interpret these differences in domination-theoretic terms. I suggest that there is reason to believe that Rawls's view would subject the unreasonable—a mixed group that also includes respectable people who respectably reject things Rawls deems reasonably non-rejectable—to forms of discursive and political domination, in a manner that attracts the worry that cultural domination is involved.

Before I delve into things, let me further motivate a domination-theoretic engagement of political liberalism. Consider, then, some recent views of (non)domination: the exercise of social or political power is said to not dominate

- (i) only if it is just (Forst 2013, and 2017a, 153-171; Pettit 2012, 47, 50, 71f, 83f, 86);
- (ii) only if it is *legitimate* (Forst 2017a, 131-139, 153-171; Pettit 2012, 302, 177, 239ff ; Gädeke 2021);
- (iii) only if it is *justifiable to* power subjects (Forst 2013; Gädeke 2021);
- (iv) only if the direction in which it is exercised is *equally acceptable* by citizens (Pettit 2012, 302, 208, 170, 25);
- (v) only if it *accords with their status as free* (ibid, 82, 77);
- (vi) only if it *accords with their status as equals* (Hasan 2021; Gädeke 2021; Forst 2013, and 2017a, 50; Pettit 2012, 82, 77);
- (vii) only if it does not subject them to unjust or otherwise objectionable *status denials* (Bohman 2012);
- (viii) if power agents are unable to constrain the choices of power subjects by impeding them from living *as their own nature and judgment dictate* (Lukes 2021, 90);

- (ix) if it does not involve the imposition on power subjects of another's will in a way that deprives them of their capacity for *autonomous agency* (Claassen and Herzog 2021);
- (x) only if it is subject to a system of popular control in which each citizen has *equal influence* (Pettit 2012, 302, 25).

First-generation political liberals like Rawls, Charles Larmore, or Stephen Macedo, do not offer sophisticated accounts of (non)domination, but their views evidently resonate with opinions on this list (see Rawls 2005, 2001; Larmore 1990, 1996, 1999, 2015; Macedo 1991).

E.g., it is a familiar theme in first-generation political liberalism that political power is oppressive if it is not *legitimate*, or if it does not accord with a reasonable conception of *justice*, or if it is not *justifiable* to reasonable citizens on grounds that are *equally acceptable* by them—which speaks to versions of (i), (ii), (iii) and (iv), above. And at least Rawls takes it that political power, to not be oppressive, must respect each reasonable citizen as a *free and equal*—which speaks to versions of (v), (vi), and (vii). The assumption thereby is that such power can suitably respect such citizens only if it does not unduly constrain their political *autonomy*, or their entitlement to live in accordance with their own, reasonable conceptions of the good or comprehensive views—which speaks to versions of (viii) and (ix). Not least, political liberalism evidently favours the view that political power should be exercised under some system of democratic control that broadly resonates with (x).

Oppression and domination might not be the same thing, but it is unproblematic here to assume that oppressive political power dominates, and *vice versa*. This makes it natural to read political liberalism as offering a justification-centric view of non-domination. At bottom, the view seems to be, roughly, that political power does not dominate only if it is legitimate, i.e., only if it accords with political principles that are justifiable to relevant citizens (i.e., the reasonable) on grounds each can authoritatively (i.e., coherently) accept. Or, for short: such power does not dominate only if it is publicly justifiable to relevant citizens on such grounds.

If we see things in this light, one matter that stands out is that public justification leaves some people—the unreasonable—with (at best) greatly diminished influence in justification. In Rawls's framework, one reason why citizens are left with such influence is that they cannot accept certain values of public culture—values, moreover, that political liberalism supposes, rather than justifies, let alone justifies to these people on grounds they can accept. Thus, the worry arises that Rawls-type political liberalism would subject them to domination, and some form of cultural domination at that. The aim of this chapter is to explore this worry.

Political legitimacy, public justification

A natural starting point is Rawls's *Liberal Principle of Legitimacy*:

- LPL The exercise of political power “is proper and hence justifiable” only if it is exercised “in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational.” (Rawls 2005, 217.)

According to LPL, political power is legitimate—hence non-oppressive, or non-dominating—only if it accords with “reasonable” principles and ideals. Arguably, this refers to principles and ideals that are justifiable *as* reasonable by a “reasonable” conception (or theory) of political justice. What makes a conception of political justice reasonable?

Rawls offers several interconnected answers. E.g., he tells us that a reasonable conception of political justice must be able to attain a reasonable overlapping consensus, that it must be capable of (some degree of) *pro tanto* justification and full justification, that it must be stable for the right reasons, and so on (Rawls 2005, 3-46, 372-435). What matters here is only what arguably is the systematically most fundamental answer. It invokes his doctrine of reflective equilibrium, and implicates an idea of public justification. How so?¹

For Rawls, any conception of political justice, ϕ , “to be acceptable, must accord with our considered convictions, at all levels of generality, on due reflection, or in what I have called elsewhere ‘reflective equilibrium’” (Rawls 2005, 8), where “[w]e decide whether [ϕ] is acceptable by seeing whether we can endorse [ϕ] upon due reflection” (ibid, 94). Accordingly, the test of reflective equilibrium tests how well such a conception

as a whole articulates *our* more firm considered convictions of political justice, at all levels of generality, after due examination, once all adjustments and revisions that seem compelling have been made. A conception of justice that meets this criterion is the conception of justice that, so far as *we* can now ascertain, is the most reasonable *for us*. (Ibid, 28.)

Who does “our,” “we,” and “us,” refer to? Arguably, this refers to actual reasonable citizens: Rawls takes it that the reasonableness of a conception of political justice turns on its coherent acceptability by actual reasonable citizens, and he assumes that he and (some of) his readers are reasonable. This suggests we attribute to him APJ, for *Actualist Public Justification*:

APJ ϕ is reasonable (or most reasonable) if and only if ϕ is coherently acceptable by reasonable citizens,

where “reasonable” has a meaning to be elaborated on below, but where “reasonable citizens” refers to actual people.

As the label indicates, APJ states an *actualist* requirement of *public* justification. What does this mean? Public justification is an acceptability-based form of justification: to say that ϕ is *publicly* justifiable is to say that ϕ is authoritatively (e.g., rationally, reasonably, coherently) acceptable, or non-rejectable, by relevant people; alternatively, it is to say that ϕ is justifiable by *public* reasons, i.e., reasons that are so acceptable. Public justification is *actualist* if it includes in its constituency (some) *actual* people. Note that actualist public justification can

¹ Below, I draw on a reading of Rawls that I develop in Besch 1998, 2012, 2013, 2020, and 2022. This reading amounts to an *actualist* variant of what Jonathan Quong calls an “internal” conception of political liberalism—see Quong 2011. Unlike Quong’s variant, this reading assumes that political liberalism, at a fundamental level of argument, construes public justification as fully enfranchising some *actual* citizens (as opposed to only the non-existent, fully reasonable citizens of JF’s non-existent, fully well-ordered society, as Quong assumes). For differences between my reading and Quong’s view: see Besch 2020, 1789f.

employ standards that idealize: that ϕ must be *authoritatively* acceptable by *actual* people leaves open what idealization value the authoritativeness constraints have that are in play.

Plainly, APJ displays both features: ϕ 's reasonableness depends on ϕ 's authoritative acceptability (i.e., coherent acceptability) by actual people (i.e., actual reasonable citizens).

Reasonableness, political liberalism

This view of political legitimacy applies to actual democratic regimes with their ordinary levels of diversity and discord, but in such societies, it seems, *no* currently available conception of justice seems to be coherently acceptable by *every* (putatively) relevant citizen. If that is so, then *no* set of political principles would be “reasonable” in LPL’s sense, and *no* exercise of political power would be legitimate.

This would be a perfectly respectable anarchist conclusion, but of course it is not Rawls’s conclusion. For Rawls, political liberalism, if anything, can provide a basis for a legitimate exercise political power. How can he claim this?

Arguably, Rawls does not see a conflict between APJ and the project of a political liberalism, but assumes that APJ *calls for* that project, since he assumes that all of the reasonable citizens that APJ refers to—say, citizens who are reasonable in Rawls’s politically basic sense—*can* coherently accept the defining commitments of political liberalism. Arguably, the latter include, but are not limited to, commitments to views such as

- (i) political power must be justifiable in terms that are coherently acceptable by all reasonable citizens (a commitment to *political constructivism*);
- (ii) political power must be justifiable in terms that are not the subject of reasonable disagreement between reasonable citizens (a commitment to *justificatory neutrality*);
- (iii) political power must be justifiable exclusively in terms of values that are liberal in content and only apply to the domain of the political (a commitment to *liberal content* and a *limited scope of application*);
- (iv) political power must be justifiable exclusively in terms of the political values of the public culture of a Western democracy (a commitment to *political values*).

(I turn to Rawls’s political values shortly.) For Rawls, all variants of political liberalism are committed to (i)–(iv), amongst other things, while his own theory of political justice, *Justice as Fairness* (JF), is one member of the family of political liberalisms.

But consider: if any of APJ’s reasonable citizens was unable to coherently accept the defining commitments of political liberalism, APJ would rule out, not call for, political liberalism. But it is fair to assume that Rawls presents JF as a political liberalism since he believes that JF, if it can be presented thus, *can* meet APJ. Apparently, then, then assumption is that reasonable citizens *can* accept these commitments—things like (i)–(iv), above. One way to interpret this: Rawls ties politically basic reasonableness to an endorsement of these commitments. That is,

only citizens who *can* coherently accept them are “reasonable” in Rawls’s politically basic sense. (Below, I refer to reasonableness in the politically basic sense as reasonableness*).

The following is suggested. All other things equal, if Betty cannot (or can) coherently accept a given candidate conception of political justice, ϕ —or any of the political values in terms of which ϕ justifies salient political principles—this will negatively (or positively) contribute to ϕ ’s public justification status, or ϕ ’s reasonableness, only if (or perhaps only insofar as) Betty is reasonable*. Hence, only reasonable* citizens here have a fully enfranchised, justificatory say in co-determining what conceptions of political justice, or what political principles or ideals, legitimate political power must accord with.

Another way to say this: only the reasonable* here have full standing as *authorities* or *co-authors* of public justification. This does not mean that a reasonable conception of justice cannot prescribe that unreasonable* people be benefitted politically—e.g., it might prescribe that they, too, be allocated political rights, opportunities, or resources, and so on. But it does mean that the unreasonable* have no say, or at least no equal say, in co-determining what conception of justice the legitimate political power must accord with.

I elaborate on the difference in the discursive standing of reasonable* and unreasonable* citizens later. For now, I address the culture-centric element of Rawls’s political liberalism.

Political values

APJ ties political legitimacy to values of *public culture*. How so?

This brings us to Rawls’s political values. Upfront: he calls them “values” in a loose sense of the word: e.g., he refers to principles, ideals, requirements, conceptions, and ideas, such as the “fundamental ideas” (Rawls and Kelly 2001, 27; Rawls 2005, chap. 1) that political liberalism expresses or draws on, as political values. Relevant now are two features of such values.

A first feature is that they are part of the political tradition, or the “public political culture,” or simply “public culture,” of a Western liberal democracy (Rawls and Kelly 2001, 27)—Rawls’s focus is on the USA of his time. He does not employ a particularly sophisticated idea of public culture. In essence, he sees it as a repository of values that can be collected into a conception of justice. Political values are part of this repository. Rawls stipulates, as well, that a conception of justice, when it only contains political values, can be liberal in content and apply only to the domain of the political. Thus, political liberalism’s commitment to political values and its commitment to values that are liberal in content and limited in scope of application support each other.

A second relevant feature of political values concerns their acceptance status. For Rawls, some values are such that all reasonable citizens can coherently accept them, and some values are such that no reasonable citizen can coherently reject them (we might call values of the latter kind “reasonably non-rejectable”). Rawls stipulates that only political values have membership in both groups of values: if δ is a political value, δ is reasonably acceptable by all reasonable citizens, or δ cannot coherently be rejected by reasonable citizen, or both. I take it that “reasonable citizen” here refers to people who are “reasonable” in the politically basic sense—the sense of reasonableness*. Thus, political liberalism’s commitment to political values accords with its commitment to political constructivism.

These features of political values are already assumed when Rawls says that political liberalism starts by “looking to the public culture itself as the shared fund of implicitly recognized basic ideas and principles,” in the hope that these political values can “be combined into a political conception of justice congenial to our most firmly held convictions” (Rawls 2005, 8). And so political liberalism is formulated

in terms of fundamental ideas familiar from, or implicit in, the public political culture of a democratic society: for example, the idea of society as a fair system of cooperation and the idea of citizens as free and equal. That there are such ideas in their public culture is taken as a fact about democratic societies (Rawls and Kelly 2001, 27),

where the assumption is that these ideas are political values that are suitably acceptable by APJ’s reasonable citizens, i.e., the reasonable*.

Why attach authority to these values, or index political legitimacy to them? Rawls’s answer seems to boil down to this:

A1 Political values are “very great values” (Rawls 2005, 139) that are relevantly acceptable by each of the reasonable citizens that APJ fully enfranchises (i.e., the reasonable*). To meet APJ, therefore, a conception of political justice must (only) contain political values.

But this appears to beg the question. Part of what identifies the reasonable* as reasonable* is that they can accept the relevant political values. And one feature of such values is that they are acceptable by all reasonable* citizens. These two things sit well with each other, but they cannot explain why, but effectively already assume that, these values have authority, or that political legitimacy may be indexed to them. We are left with the assertion, or stipulation, that these values are very great values. And even if we agree with Rawls that they *are* great values—e.g., take the ideas that society should be a fair system of cooperation and that citizens should be respected as free and equal—this will not justify their special status, or convince others who disagree.

Here is one way to sum this up. Rawls’s view is weakly culture-centric: it privileges political values not because they are *cultural*—this would make the view, say, strongly culture-centric. It privileges them because, Rawls stipulates, they are very great values that are acceptable by all citizens that APJ fully enfranchises. Importantly, though, his view is (weakly) culture-centric in a *non-critical* sense: it is not the case that it privileges these values, or attaches authority to them, only insofar as political liberalism can justify them.²

I conclude the present section by marking a contrast. Consider:

² This is so despite the value Rawls places on overlapping consensus, and on full justification. Upfront, these things suggest that he privileges political values only insofar as each reasonable citizen can accept them in accordance with her own comprehensive doctrine. But he does not make the authority of the values that mark defining commitments of political liberalism depend on their acceptability by reasonable citizens. Instead, he makes the reasonableness (reasonableness*) of citizens depend on their ability to accept these values. Thus, while Rawls values the motivated endorsement of these values, he from the ground up assumes their authority. See Besch 2020, 1787ff, and 2022, 53ff.

- A2 A conception of political justice, φ , must be coherently acceptable by all reasonable citizens—i.e., citizens who are “reasonable” in a suitably inclusive sense (e.g., some moderate epistemic sense that allows us to count as reasonable even if we reject political liberalism). But values are properly political only if they are coherently acceptable by all such citizens, while a culture is properly public only insofar as it contains such values. Therefore: φ must contain (only) political values.

If values are political only if they are acceptable by all citizens who are reasonable in some suitably inclusive sense, it is open whether political values will be liberal in content or relevantly limited in their scope of application. And it will be open whether any actual political culture is public in A2’s sense, and whether φ , if it only contains political values (in A2’s sense), could be a Rawls-type political liberalism.

A2 has more appeal than A1. A2 does not index political legitimacy to reasonableness*, or any actual political culture. And A2 allows us to accept a more inclusive version of LPL and APJ, while opting for a *critically* culture-centric view of political legitimacy—one that adopts a constructive idea of the politicality of values or the publicness of political culture. And a key task for such a view will be to specify an idea of reasonableness that *may* be treated as politically basic (see Besch 2012, 2013, and 2020).

However, let us bear in mind that Rawls’s answer is *not* A2: his actual answer, A1, *lacks* the surplus of inclusiveness and criticality that makes A2 more appealing than A1.

Exclusionary legitimacy?

For Rawls, then, legitimate political power over *all* citizens must accord with a conception of justice that needs to be publicly justifiable to *reasonable** citizens *only*. As many have argued, this is objectionable.³ In any Western democratic society, there are respectable people who respectably reject at least some of the things that Rawls ties to reasonableness*. And, all else equal, these people, too, should have a meaningful say, if others do, in co-determining what political principles legitimate political power must accord with. To say the least: where such people respectably reject, or cannot accept, things that all reasonable* citizens can accept, this should not be seen as grounds to deny them a (full) say in public justification, but as something that puts in need of justification these things, or their role in public justification.

This returns us to the theme of domination. If we assume, *pace* political liberalism, that political power does not dominate only if it is publicly justifiable, then, it seems, we should also assume that political power dominates citizens who have no proper say in public justification. One way to capture this intuitive point is *Domination Conjecture*:

- DC Non-domination political power must be publicly justifiable. But how can it be publicly justifiable to citizens who lack a say in public justification? Underneath its justification-centric surface, political liberalism simply prescribes that the political values of public culture be imposed on the unreasonable*: it advocates that they be dominated.

³ Concerns about political liberalism’s lack of inclusiveness have been raised since the early days of Rawls’s political turn: see Hampton 1989, 1993; Campos 1994; Besch 1998, Friedman 2000.

DC has a plausible ring to it, and it helps to fix ideas. But we should take it with a grain of salt: questions arise in relation to (i) the say of the unreasonable*, (ii) the kind of domination that is involved, and (iii) the role of political values vis-à-vis “cultural” domination.

As to (i), on a reading that I will follow later, the issue is not that the unreasonable* would lack a justificatory say in public justification altogether, but that their say would be greatly diminished in influence, or its “discursive purchase,” as I will call this later. Below, the sections “Discursive standing and purchase” and “Two kinds of discursive (in)equality” elaborate on ideas of discursive standing, discursive purchase, and discursive equality, that help to conceptualize the diminished say of the unreasonable*.

As to (ii) and (iii), it is not clear how a diminished say in public justification maps onto political practice. Consider: even if some people lack a full say in co-determining what principles political power must accord with, those who have a full say might still agree that these principles must allocate to these people, too, equal political status to influence how the state acts—as defined by the political rights, opportunities, or resources, that these principles allocate to citizens. The point: in a political order that complies with publicly justifiable political principles, a diminished say in public justification may or may not translate into a denial of political status (in one sense of “political status”).

But then it is unclear whether the say of the unreasonable* would involve *domination*. Much here turns on how we construe domination, and not all views of domination sit equally well with DC. E.g., take the view that the state dominates citizens if they cannot control, or share in controlling, how the state acts. If we see things through this lens, we might conclude that the diminished say of the unreasonable* involves domination only if it involves a denial of political statuses to relevantly influence how the state acts. But, we have just seen, it need not entail this. How, then, might “domination” be construed for DC’s purposes? I return to this in the sections “Discursive domination?” and “Wide political domination?,” below.

Hence, it must be unclear, as well, whether the say of the unreasonable* would involve “cultural” domination. What is clear is that Rawls assigns an important role to certain cultural values in determining whether people have a (full) say in public justification. The relevant political values are values of public culture, and they are acceptable by all reasonable* citizens. Thus, if α cannot accept some of these values, α is not reasonable*, and so does not qualify for a (full) justificatory say in public justification. In one sense at least, therefore, the unreasonable* are here being denied a (full) justificatory say on *cultural* grounds—where this must be construed in the *non-critical* sense identified earlier. But would this involve cultural domination? I turn to this in the section “Cultural domination?,” below.

Discursive standing and purchase

On the itinerary of this and the next section are notions of discursive standing, discursive purchase, and discursive equality that help to conceptualize the say of the unreasonable* in public justification. I begin with two kinds of discursive standing and discursive purchase.

For a point of departure, consider political liberalism’s idea of equal respect, or the idea of equal respect modelled by the conjunct of LPL on APJ. For Rawls, political power respects citizens as free and equal only if it is legitimate; but to be legitimate, it must accord with a reasonable conception of justice—one that *depends* for its reasonableness on its acceptability.

Arguably, this construes equal respect as a form of “discursive respect” (Besch 2014): Rawls assumes that equal respect requires that relevant people be accorded a justificatory say in some matters, or what I call elsewhere “constitutive discursive standing” (ibid and 2019a, b). What is that?

If JP, a justification practice, accords α constitutive discursive standing in relation to a salient moral or political thing, ϕ , it does two things. First, JP accords α discursive standing: JP attaches value to ϕ 's authoritative acceptability by α . Second, JP assumes a justification-constitutive direction of fit between ϕ 's acceptability and ϕ 's authority: in JP, ϕ depends for its authority on its authoritative acceptability. Both things typically are in play where people are seen as *co-authors* of justification. This contrasts with weaker, “derivative” forms of discursive standing. If JP accords α derivative standing, JP attaches value to ϕ 's acceptability, or what JP counts as valuable forms of acceptability, but JP does not take ϕ to depend for its authority on its acceptability. People here have the standing of *recipients* or *clients* of justification, rather than its co-authors.

Next, a justificatory say can vary in its “discursive purchase” (ibid). Roughly, the purchase of a say is determined by the influence it allows an agent to exert in justification. Consider JP1 and JP2, below, two justification practices that adopt the same standard of justification, S , but premise it on different authoritativeness constraints:

- S ϕ is valid (or reasonable) only if ϕ is justifiable by reasons that relevant people cannot authoritatively reject.
- JP1 α 's rejection of ϕ is authoritative if and only if α cannot actually accept ϕ coherently.
- JP2 α 's rejection of ϕ is authoritative if and only if α would still reject ϕ if ideally rational.

JP1 and JP2 attach justificatory weight to authoritative rejections: say, they count them as (defeasible) evidence against ϕ 's validity, or as negatively contributing to ϕ 's justification status. But for average adults, a justificatory say in JP1 has more purchase than one in JP2. How so?⁴

Assume that Betty, an average adult, rejects ϕ because she cannot actually accept ϕ coherently. In JP1, her actual rejection reason qualifies her rejection as authoritative, or as a rejection that has justificatory weight. Thus, what JP1 counts as Betty's *authoritative say*—or what she would say if she met the relevant authoritativeness constraints—will track her *actual voice*, or what she actually is committed to say, given her actual perspective and deliberation resources. By contrast, JP2 counts toward justification only what *ideally rational Betty* would say. Thus, actual Betty's actual rejection reason will not qualify her rejection as authoritative, and what JP2 counts as Betty's authoritative say might not track her actual voice at all.

The idea of discursive purchase helps to conceptualize this difference. α 's discursive standing is higher or lower in purchase depending on the extent in which it allows α to bring to bear

⁴ The below discussion of discursive standing, discursive purchase, and discursive (in)equality (see next section) overlaps with my discussion of the topic in Besch 2023, section 2.

her *actual voice* in justification as something that has justificatory weight, or positively or negatively contributes to the justification status of relevant things. And, plainly, a justificatory say in JP1 allows Betty to do so in a way in which her say in JP2 does not. In this sense, Betty's say is higher in purchase in JP1 than it is in JP2.

One upshot: whatever use or value our inclusion in a practice of public justification has, much depends on the purchase of our discursive standing in that practice. Accordingly, much turns on the degree in which the practice hypotheticalizes, or idealizes. Purchase and idealization are interdependent (Besch 2019a, 608-611): all other things equal, the higher in idealization value salient authoritative constraints are relative to our actual perspective and deliberation resources, the less purchase will our discursive standing have under these constraints; and the more purchase our standing under these constraints is to have, the lower must be their idealization value relative to our actual perspective and resources.

Two kinds of discursive (in)equality

To bring this back to political liberalism: APJ allocates reasonable* citizens high-purchase constitutive discursive standing. They have a justificatory say, and one that is like Betty's say in JP1, rather than her say in JP2. What of the unreasonable*?

We can interpret their discursive standing in either of two ways:

1. In APJ, the unreasonable* do *not* have constitutive discursive standing: what justifies is coherent acceptability by the reasonable* *only*.
2. In APJ, the unreasonable* *do* have constitutive discursive standing, but discursive input counts as authoritative only if it is reasonable*: what justifies is reasonable* (and coherent) acceptability.

Let me now follow Larmore's reading: he reads Rawls as claiming that legitimate political power must be justifiable not only to the reasonable, but to citizens more widely on the (perhaps counterfactual) assumption that they are reasonable (Larmore 2015, 83, and 1999, 609f). This fits to (2): public justification does not deny the unreasonable* a justificatory say altogether, but considers what they would say if they were reasonable*. This means that the say of the unreasonable* hypotheticalizes, or idealizes, in a way in which the say of the reasonable* does not. Reasonable* citizens have high-purchase standing, like Betty in JP1. But the unreasonable* have *low*-purchase standing, more like Betty in JP2: what they say contributes to public justification only insofar as it accords with what they would say if they were reasonable*.

Thus, option (2), above, in effect replaces the "reasonable* citizen" bracket around APJ's constituency with a "reasonableness*" constraint on the discursive input that APJ counts as authoritative in public justification. And this denies, or greatly diminishes, the ability of the unreasonable* to effectively contest in public justification Rawls's political values. To put this bluntly: the unreasonable* have a justificatory say, but their say mutes their actual voice whenever what they say does not cohere with the political values of the reasonable*.

However, it does *not* follow that APJ denies unreasonable* citizens discursive equality altogether. APJ accords them standing that is *formally* equal, but denies them standing that is

equal in a purchase-sensitive, *substantive* sense. This draws on a distinction between formal and substantive discursive equality (Besch 2019b, 473ff):

- FE *Formal Discursive Equality*: a justification practice, JP, accords α and β discursive standing that is equal *formally* if and only if it accords α and β discursive standing of the same overall kind (e.g., constitutive discursive standing) and applies to them the same authoritativeness constraints (e.g., authoritative input must be reasonable*).
- SE *Substantive Discursive Equality*: JP accords discursive standing that is equal *substantively* only if it this standing is equal in discursive purchase.

If we read Rawls in terms of (1), above, the standing of the unreasonable* is unequal in FE's formal sense. But if we read him in terms of (2), as I do now, it is equal in FE's sense, but unequal in SE's substantive sense.

How can this sit with the equal discursive respect that is modelled in LPL and APJ? That is, if political liberalism concedes that the unreasonable* should be included in the constituency of public justification, must not it not also accept that they be accorded a justificatory say that is *not* substantively unequal?

Not quite. Arguably, political liberalism is committed to two views:

- (i) equal discursive respect for α and β requires that their discursive standing *not impermissibly* differ in discursive purchase;
- (ii) the discursive standing of reasonable* and unreasonable* citizens *does not* impermissibly differ in discursive purchase.

I argue elsewhere that (i) holds (Besch 2019b, 475f, and 2020, 1795ff). The issue hence is (ii): Rawls supposes, rather implausibly, that it *is* permissible to accord the unreasonable* a justificatory say that effectively mutes their actual voice where it does not accord with the political values of reasonable* citizens.

Discursive domination?

This returns us to DC. Would the substantively unequal, low-purchase say of the unreasonable* in public justification involve domination?

In reply, I will suggest (i) that their say would involve a form of domination in discursive status, and (ii) that it would involve a form of political domination, or what I shall call "wide" political domination. Evidently, things here are complicated by the fact that it is contested what domination is, how it should be construed, and what social arrangements instantiate it. I will think of it in terms that accommodate DC. Thus, the first suggestion draws inspiration from James Bohman's status-centric view of domination (Bohman 2012), while the second suggestion appeals to the broadly republican insight that whether a state dominates its citizens largely turns on what statuses or powers they have to relevantly influence how the state acts. The present section introduces elements of Bohman's view, to then make the first

suggestion. The next section, “Wide political domination?,” tends to the second suggestion. After this, the section “Cultural domination?” concludes the chapter by asking whether wide political domination would here instantiate as “cultural” domination.

For Bohman, then, domination primarily is a matter of unjust or otherwise objectionable status denials, including, but not limited to, status denials that make people (more) vulnerable to coercion or threat (ibid, 177). A wide variety of statuses, or normative powers (ibid, 180f), can be domination-relevant. This can include political, civil, or social statuses defined by rights, duties, or roles, that are socially or institutionally entrenched (ibid, 181), and other statuses. Relevant here, it can include discursive-*cum*-moral statuses, such as the status as someone entitled to “address others and to be addressed in turn” (ibid, 178), or to “initiate and to participate in any form of decision-making that imposes duties” (ibid, 181), or as an agent with “normative powers ... over the assignment of duties and obligations as well as over one’s own political and legal status” (ibid).

When will status denials entail domination? Bohman does not offer a systematic reply. Instead, he for the most part foregrounds status denials that expose people to the harm of making them (more) vulnerable to coercion or threat. Of course, some status denials that involve domination, if they ever do, expose people to this harm. But it is open whether *all* such status denials do so. There is little agreement as to what harms are typical or cardinal domination harms. E.g., some tie domination to exploitation harms (Thompson 2018), others tie it to harms of insecurity, exploitation, and undermined self-respect (Lovett 2010, 130-134), or to the harm of being unable to suitably enjoy equal status as a free citizen (Pettit 2012, 72, 82), or to the harm of “noumenal” alienation (Forst 2017b). The list can continue. We should expect that domination can involve a diverse range of harms if a wide variety of statuses can be domination-relevant. And it is open which of these harms are typical or cardinal domination harms, and whether all of them will involve making people (more) vulnerable to coercion or threat.

Moreover, it seems that domination-relevant harm need not always be a consequence of, result from, or arise in addition to, a relevant status denial, but can consist in the status denial itself. E.g., if the new leader denies α ’s political status by unjustly denying α ’s rights, the unjust rights denial can be a relevant denigration harm—even if no additional harm results from it. This suggests: status denials that involve domination can do so even if they involve no harm other than the status denial itself.

Still, let me take away from this the suggestion that domination is a matter of unjust or otherwise objectionable status denials, where these involve relevant harm (say, at least from a stakeholder’s perspective), but where this harm can consist in the status denial itself. Of course, it is open whether this can be worked into an account of domination that passes muster. But for now, I will go with it. If we understand “domination” along such lines, then, would the say of the unreasonable* in public justification involve domination? Arguably, yes: it would involve a form of domination in discursive status. How so?

To begin with, constitutive discursive standing is a kind of discursive status. But to diminish the purchase of an agent’s discursive standing in a given justification practice denies or diminishes her ability to exert discursive influence in that practice—her ability to bring to bear her actual voice as something that has justificatory weight, or that contributes to justification—

which, in turn, denies or diminishes discursive status. The upshot: the diminished say of the unreasonable* in political liberalism denies or diminishes discursive status.⁵

This status denial would be objectionable, all other things equal. As noted earlier, at least some unreasonable* citizens should have a high-purchase justificatory say, if others do, in co-determining what political principles legitimate political power must accord with. Note that the point is not that public justification must meet substantive discursive equality—it may be unable to do so (Besch 2019b, 475f). The point is that if some people are to have a high-purchase say, others should not be denied such a say without sufficient reason. But Rawls’s view does not offer such reasons: it *non-critically* denies the unreasonable* a high-purchase say.

Next, this would involve denigration harm. It would leave the unreasonable* unable to effectively reject or contest the political values of the reasonable* in public justification: their actual voices would be muted, or denied all critical bite, in co-determining what political principles legitimate political power must accord with whenever their actual voices do not cohere with these values. In relation to these values, then, the unreasonable* would have standing not as co-authors of justification, but as second-class citizens, as people whose sense of justice counts for less, who lack authority as a “voice that cannot be dismissed without independent reason” (Pettit 1997, 91), or as people who need not be respected as “self-authenticating sources of valid claims” (Rawls and Kelly 2001, 23).

Not least, would this involve domination-relevant harm? Our intuitions can differ, but, I submit, as far as domination in *discursive* status is concerned, a plausible answer is, *yes*. To only have a say in a relevant discursive practice that effectively mutes one’s actual voice, or denies it all critical bite, whenever it does not cohere with the values of others—values, moreover, that one actually is unable to accept—looks like one paradigm of domination in discursive status. And whatever more specific harm this inflicts, it is domination-relevant (say, at least from the perspective of the people suffering that harm).

The suggested conclusion: the say of the unreasonable* in APJ-public justification would involve domination in discursive status, i.e., a form of discursive domination.

Wide political domination?

Would the diminished say of the unreasonable* involve *political* domination?

A distinction between *narrow* and *wide* political domination is useful here. Consider, then, the broadly republican insight that whether a state dominates its citizens largely depends on

⁵ It is worth contrasting this kind of denial or diminishment of discursive status with another, more prominent kind. One theme in the literature on epistemic injustice is that objectionable hearer attitudes, such as identity prejudices about speakers, can lead hearers to deny or diminish the ability of speakers to communicate effectively—which can reflect, or contribute to, their social or political marginalization or denigration: see Fricker 2007, 2013; Dotson 2014; Catala 2015; Dieleman 2015; McKinnon 2016; Congdon 2017; Liveriero 2019. By contrast, the denials of discursive status that matter here reflect *ground rules* of discursive practice, not objectionable hearer attitudes. How a justification practice distinguishes between authoritative and other uses of a justificatory say is part of its ground rules (or so I claim). E.g., if JP only counts “reasonable” input as contributing to justification, it is part of JP’s ground rules to attach this weight only to this kind of input. We saw that how “reasonable” is then defined can greatly affect what influence a speaker’s actual voice has in justification. And where denials of such influence result from how the notion is defined, they can persist even if other people, in adhering to JP’s ground rules, do not display objectionable hearer attitudes toward speakers.

what statuses or powers the citizens have to relevantly influence (or to control, or to share in controlling) how the state exercises its power over them. What statuses or powers—what positions of influence, widely conceived—should count? There are at least two ways to engage this question.

A first way to engage this question is to focus on what positions of influence citizens have, and should have, *under* given principles of political justice—whatever political principles are taken to define what statuses, powers, rights, opportunities, and so on, citizens should have in a just political order. Thus, whether a state dominates its citizens here turns on whether they have the positions of influence in relation to how the state acts that they should have under such principles. This construes political (non)domination in, say, a *narrow* sense.

A second way to engage the question at hand is to also consider what positions of influence citizens have *over* relevant political principles, in co-determining what principles should define what statuses, powers, rights, opportunities, and so on, citizens should have in a just political order. Whether a state dominates its citizens now turns on whether they have positions of influence in relation to how the state acts that they should have under relevant principles *and* on whether they have the positions of influence that they should have in co-determining what these principles are, or should be. Let me say that this construes political (non)domination in a *wide* sense.⁶

Neo-republicanism often foregrounds narrow political (non)domination. E.g., take Pettit, who sees (positive) equal influence as republican “bedrock” (Pettit 2012, 25), or at least (positive) equal influence of citizens “who accept that the state should treat citizens as equals” (ibid, 170). For Pettit, state power does not dominate citizens only if it is subject to a system of popular control in which they have equal influence (ibid, 170; 177, 239ff, 302). But he also tells us that equal influence requires no more than equal access to an equal vote under a system of majoritarian voting (ibid, 169), where voting is for electorally responsive deputies (ibid, 201f) and citizens have access to social tools, such as opportunities for political speech or resources for legal challenges, to contest majority decisions (ibid, 213f). But this appears to be political influence *under* given political principles, such as principles of republican justice, that define what statuses, powers, rights, opportunities, and so on, citizens should have to begin with.

Political liberalism places weight on *wide* political (non)domination. Arguably, for Rawls, political power can be oppressive, or dominate, even if citizens have the positions of political influence they should have under a given conception of justice if that conception is not publicly justifiable—where public justification must accord relevant citizens a measure of discursive influence, or high-purchase discursive standing, on what counts as so justifiable. That is, their *actual* voices must have traction on whether a given conception of justice is eligible for the role of defining what statuses, powers, rights, opportunities, and so on, citizens should have. This is part of the emancipatory upshot of Rawls’s view of political legitimacy—albeit its flip-side is that it allocates a high-purchase say only to the reasonable*.

⁶ A housekeeping matter: it stands to reason that denials of positions of influence that citizens should have under relevant political principles and denials of position of influence they should have over such principles can be harmful. On this assumption, it should be possible to describe narrow and wide political (non)domination in Bohman-type terms as involving unjust or otherwise objectionable status denials that involve relevant harm, such as the harm of being made (more) vulnerable to coercion or threat, or the harm of being denied otherwise available “normative powers ... over the assignment of duties and obligations as well as over one’s own political and legal status” (Bohman 2012, 181).

What matters now is wide political (non)domination. That the unreasonable* would have a greatly diminished say in public justification means that they would have greatly diminished positions of influence in co-determining what principles should define what statuses, powers, rights, opportunities, and so on, citizens must have in a just political order. This would subject them to wide political domination: it would do so not because it denies them political influence that they should have under relevant political principles, but because it entails a denial of positions of influence that they, or at least some of them, should have over these principles, in co-determining what these principles should be.

This conclusion has appeal, or so I submit. It turns on a point noted already: at least some unreasonable* citizens should have a high-purchase justificatory say, if others do, in co-determining what political principles are to define what statuses, powers, rights, opportunities, and so on, citizens should have in a just political order. Note that the point here is not that wide political non-domination obtains only if *all* citizens have *equal* positions of influence over such principles. The point is that wide political non-domination does *not* obtain where citizens are being denied positions of influence over such principles that, *prior to further argument*, they should not be denied. But Rawls does not provide such argument: as we have seen, his view *non-critically* denies the unreasonable* a high-purchase say.

Two comments are called for. First, the above assumes that public justification is politically efficacious—that it influences how the state acts. After all, if the practice of public justification in which the unreasonable* have a diminished say does not influence how the state acts, it is out of place to single out a *diminished say* in that practice as something that entails wide political domination—rather than the lack of political influence of the practice as a whole. This assumption appears unproblematic here. At any rate, many political liberals and deliberative democrats assume that public political reason-giving is, and should be, politically efficacious. Still, the above can only suggest that the say of the unreasonable* would involve wide political domination provided public justification is politically efficacious.

Second, the above assumes that citizens *should* have positions of influence over the relevant principles to begin with. If citizens should *not* have any such influence in the first place, then, it seems, denying them such influence will not count toward political domination. This, too, seems unproblematic here. Political constructivists like Rawls typically assume that (some) citizens should have positions of influence over the relevant principles. Still, the above can only suggest that the say of the unreasonable* would involve wide political domination provided that citizens, including (some) unreasonable* citizens, should have positions of influence over the relevant principles.

Given these qualifications: at least intuitively, Rawls-type political liberalism would subject the unreasonable* to wide political domination.

Cultural domination?

By way of conclusion, let us consider: would the wide political domination of the unreasonable* involve *cultural* domination?

One matter that stands out here surely is the fact (if it is one) that Rawls's political liberalism would expose the unreasonable* to wide political domination on *cultural grounds*—grounds, moreover, that are privileged *non-critically*. The unreasonable* would have a diminished say

in co-determining the political principles of a just political order because they cannot accept the political values of the reasonable*—where all such values are values of public culture—while the authority of these values is supposed, rather than justified, let alone justified to the unreasonable* on grounds they, too, can accept. In this two-fold sense, Rawls’s view would expose the unreasonable* to a *culture-based* form of wide political domination.

Now, it is unclear what makes an instance of domination an instance of “cultural” domination. And depending on what we take this to be, culture-based wide political domination need not involve cultural domination. E.g., perhaps cultural domination occurs only if people are denied cultural rights, opportunities, or resources, that they should not be denied. Or perhaps what is required is not just that they are denied such things, but that they cannot relevantly influence whatever power is exercised over them in denying them these things. Culture-based wide political domination need not involve such things—although it can involve them, or be conducive to them. That is, while α is denied a full say in APJ- public justification (in a culture-based manner), the people who have a full say might still agree that α , too, should enjoy salient cultural rights, opportunities, or resources, or that all citizens should be able to relevantly influence whatever power would be exercised in denying them such things.

Still, can we be confident that cultural domination is absent where the actual voices of otherwise respectable dissenters are being muted, or denied all critical bite, in determining the principles of a just order wherever these voices do not accord with salient cultural values—if the authority of these values is merely supposed, not justified, let alone justified on grounds these people can accept? The issue is not that people are denied a full say in such matters on cultural grounds. The issue is that if we take their inability to accept our cultural values as something that is to make this difference to their discursive-*cum*-political influence, these values and the role we accord them are in need of justification, and ideally a justification on grounds they can accept. In the absence of such a justification, denying them a full say seems indistinguishable from a strategy of oppression. In other words: what should give us pause here, if nothing else, is the *dogmatism* with which Rawls’s view draws on cultural values to deny the unreasonable* a full say, and the *authoritarianism* this seems to have in tow.⁷

Of course, we might agree with Rawls (i) that some of the cultural values he draws on here *are* great values—e.g., take again the ideas that society should be a fair system of cooperation and that citizens should be respected as free and equal. And (ii) our reasons to accept these values might have little to do with their being cultural values (if they are). Not least, perhaps (iii) public justification must always proceed from starting points and under constraints the wide acceptability of which is (at the time) merely supposed, and open to question. But (i)–(iii) do not add up to a license to mute the actual voices of otherwise respectable dissenters, or to deny them all critical bite, in co-determining the principles of a just order when they do not accord with our values. Nor can (i)–(iii) dispel the suspicion that denying them relevant influence amounts to more than an authoritarian imposition of our values on them.

I submit, then, we have reason to doubt that cultural domination is absent where otherwise respectable people are exposed to wide political domination on cultural grounds when the authority of these grounds is merely supposed, not justified, let alone justified on grounds that these people can accept. And this just is the position of the unreasonable* in Rawls’s political liberalism, or so I suggested.

⁷ I discuss the problem of public dogma in political liberalism in more detail in Besch 2012, 167-171.

In closing: it is contested what kind of justification can duly dispel that doubt. Yet, trivially, not just any kind of justification would do. E.g., that my values are justified by *my* lights, on grounds *I* accept as right or true, does not mean that imposing them on you is not authoritarian. But neither will it do that my values are justifiable to you on grounds you can accept at *some* level of idealization—such as high levels of idealization that would allow me to deny your actual opposition to the grounds I invoke all critical bite. The less influence your actual voice has on what grounds I may invoke—the less purchase your discursive standing has—the less plausible it must be that the justifiability to you of my values is a kind of insurance that imposing them on you is not authoritarian. If so, my values should be justifiable on grounds that are acceptable by you at a suitably *low* level of idealization.

It is a small step from here to the conclusion that the values on the basis of which Rawls denies the unreasonable* a full say should be justifiable to them by standards that accord them a justificatory say that is *high* in purchase. It is open *how high* in purchase such a say must be to be *sufficiently* high in purchase, and whether these values are justifiable to all relevant people if their say has sufficient purchase.⁸ Still, prior to some such justification, Rawls's political liberalism would impose political values on otherwise respectable dissenters in a manner that involves domination, if not cultural domination.

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⁸ For a view of what level of discursive purchase an agent's discursive standing in public justification should minimally have: see Besch 2019a and 2023.

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