5   Discursive equality and public reason

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1 Introduction

For many public reason liberals, it is a requirement of equal respect that relevant moral or political things (e.g., social arrangements, political principles, or conceptions of justice) be publicly justifiable to relevant people in a manner that allocates to each an equal say, where a person's use of that say is thought to involve some measure of (qualified) influence on what can or cannot count as justifiable to her. Yet, it has often been noted, all liberal public justification at the same time excludes in some way: for example, it accords *no* say, or a *lesser* say, to some people, such as people it deems unreasonable. Accordingly, it is an important challenge for public reason liberalism to suitably align its understanding of public justification with the equal respect that allegedly grounds it, if indeed the latter calls for some form of discursive equality.

   This chapter explores that challenge as it arises in Rawls-type, first-generation political liberalism.[1] On the reading adopted here, Rawls-type political liberalism (hereafter referred to simply as "political liberalism") takes conceptions of political justice to depend for their reasonableness on their public justifiability to actual reasonable citizens, where this reflects a commitment to a form of equal respect that requires that these citizens be accorded a justificatory say—or, as I will put this later, to a form of equal "discursive respect." Sections 2 and 3 put into place tools that help to conceptualize public justification and discursive respect, and that help to identify how the challenge just referred to arises in political liberalism. On a promising reading, we shall see, public justification here does not *deny* the unreasonable a justificatory say, but accords them a *lesser* say: it considers what they would say if they were reasonable. This means that their say is equal in a formal sense, but not also *substantively*, in terms of its influence in justification, or what I will later call its "discursive purchase." (I distinguish formal from substantive discursive equality and introduce discursive purchase in Section 2; discursive respect is introduced in Section 3; Section 4 then uses these notions to bring out how the challenge at hand arises in political liberalism.)

Can political liberalism's commitment to equal discursive respect cohere with the substantively unequal discursive standing of the unreasonable? As Section 4 suggests, a promising answer is this: equal discursive respect allows for discursive standing that is unequal substantively, in terms of its discursive purchase, provided this standing is not *impermissibly* unequal in purchase. But when is purchase inequality in public justification permissible? Section 5 gestures at one candidate reply: purchase inequality in public justification is permissible only if all relevant people—including, as it were, reasonable *and* unreasonable citizens—have discursive standing of enough purchase to be able to avoid relevant bads. As we shall see, an interesting version of this broadly sufficientarian view points toward the conclusion that political liberalism's commitment to equal discursive respect does *not* cohere with the substantively unequal standing of the unreasonable.

All this heralds that where liberal public justification accords actual people discursive respect and relevantly idealizes at least around its fringes, the permissibility of purchase inequality must be a central concern.

2 Public justification: aspects

Public reason "aims for public justification."[2] What is public justification? And what role does it have in political liberalism? I first address public justification in more general terms and put into place some analytic tools that will be needed later. Section 3 then turns to public justification in political liberalism.

Public justification is an interpersonal form of justification: roughly, to say that φ is publicly justifiable is to say that φ is justifiable to others by public reasons, that is, reasons that are authoritatively acceptable, or non-rejectable, by relevant people; alternatively, it is to say that φ itself is so acceptable. Refer to this acceptability standard as PJ, *Public Justification*. Most aspects of PJ are contested, including, but not limited to, the following:

(i)   *PJ's authoritativeness constraints:* What makes acceptances or rejections (or other discursive input) authoritative—for example, their reasonableness, rationality, coherence, or something else?

(ii) *PJ's constituency:* For example, must φ be justifiable to actual people, or idealized, hypothetical agents, or all or only some relevantly affected people?

(iii) *PJ's status in the order of justification:* For example, is PJ a constraint on the application of principles of justice to concrete matters of justice, or a standard by which such principles must be justifiable as reasonable or valid?

(iv) *PJ's role in social practice:* For example, is it a standard to be used in actual reason-giving, or does it structure only imagined, ideal, or hypothetical justifications?

As there are many different ways to flesh out PJ in these and related respects, there can be many different views of public justification, and hence of public reason.

What matters here are ideas of public justification of the sort often advocated in Rawls-type political liberalism, and related forms of moral or political constructivism.[3] Specifically, what matters here are "actualist," "robustly public," and "conception-constraining" ideas of public justification. What does this mean?

Public justification is *actualist* if it includes in its constituency on fully enfranchised footing *actual* people. Note that public justification can be actualist in this sense while it employs standards that idealize (in at least one sense of "idealize"). That is, by itself, the claim that φ must be justifiable to actual people by reasons that are authoritatively acceptable by them leaves open what idealization value the authoritativeness constraints have, or should have, that public justification employs. Next, public justification is *robustly public* if φ's authoritative acceptability is seen as an important *condition* of, or as (partly) *constituting*, φ's moral or political authority—for example, φ's rightness, validity, reasonableness, legitimacy, justness, and so on.[4] Robustly public justification is constructivist in a weak, justificatory sense. Not least, public justification is *conception-constraining* where public justifiability is required of conceptions (i.e., theories) of justice—so that their content or their form is constrained by this requirement. Of course, robust public justification need not also be conception-constraining. For example, we might accept that social arrangements are just only if they are publicly justifiable, but reject that conceptions (theories) of justice are reasonable only if they are publicly justifiable.

Some more analytic tools need to be put in place before I turn to political liberalism. To start with, public justification is sometimes said to treat the people it fully enfranchises as *co-authors* of justification, or to allocate them a *justificatory say*. What kind of discursive standing does a justificatory say involve? Arguably, this is a form of what I call elsewhere "constitutive discursive standing."[5] That is, if JP, a justification practice, allocates a relevant person, 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 positive value to φ's authoritative acceptability by α. Second, JP takes there to be 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. This contrasts with weaker, "derivative" forms of discursive standing. If JP accords people derivative discursive standing, JP attaches positive value to φ's acceptability by them, 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 discursive standing of *clients* or *recipients* of justification, but not as its coauthors.

Next, constitutive discursive standing can differ in its discursive purchase.[6] What is that? Roughly, the discursive purchase of a justificatory say is

determined by the influence that having such a say allows an agent to exercise in justification. This is best explained by example. Compare two justification practices, JP1 and JP2, that adopt the same standard of justification, *S*, but premise *S* on different authoritativeness constraints:

S   φ is valid (or reasonable) only if φ is justifiable by reasons that relevant people cannot authoritatively reject.

JP1   β's rejection of φ is authoritative if and only if β cannot actually accept φ coherently.

JP2   β's rejection of φ is authoritative if and only if β would still reject φ when ideally rational.

JP1 and JP2 both attach justificatory weight to authoritative rejections: say, each justification practice counts them as evidence against φ's validity, or as negatively contributing to φ's justification status. But for average adults, a justificatory say in JP1 will have more purchase than a justificatory say in JP2. How so?

Let Betty, an average adult, reject 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 Betty 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. Things are different in JP2. What counts toward justification here is 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 account for this difference. Discursive standing is high or low in discursive purchase depending on the extent in which it allows an agent to bring to bear her actual voice in justification as something that has justificatory weight, or that positively or negatively contributes to the justification status of relevant things. Plainly, a justificatory say in JP1 allows Betty to do so in a way in which a justificatory say in JP2 does not. JP1's authoritativeness constraints are very low in idealization value relative to her actual perspective and deliberation resources, while JP2's authoritativeness constraints are very high in idealization value relative to her actual perspective and resources: thus, her actual voice has more traction in JP1 than in JP2. In this sense, her discursive standing is higher in purchase in JP1 than it is in JP2.

One upshot: whatever use or value our fully enfranchised inclusion in a practice of public justification can have, much depends on the discursive purchase of our discursive standing in that practice, and hence the idealization value of the authoritativeness constraints that are at work within

that practice. Discursive purchase and idealization are interdependent: other things being equal, the higher the idealization value of salient authoritativeness constraints is relative to our actual perspective and deliberation resources, the less discursive purchase will our discursive standing have; and the more discursive purchase our standing is to have, the lower must be the idealization value of these constraints.[7]

Of course, there is little agreement as to how much salient authoritativeness constraints may idealize, or how much discursive purchase the discursive standing should have that public justification allocates. Much here turns on what the *aims* of public justification are, or are taken to be. For example, if public justification prioritizes *alethic* aims, such as the aim to arrive at conclusions that are true, truth-analogue, or objective (in some robust sense of "objective"), it may need to attach justificatory weight only to discursive input that displays very high levels of epistemic merit. This can call for authoritativeness constraints that idealize more, rather than less, relative to the perspectives and deliberation resources of real, epistemically imperfect people. But if public justification prioritizes *recognitive* aims, such as the aim to ensure that citizens be respected as free and equal people, it may need to accord discursive standing that leaves these people readily able to exert some meaningful level of discursive influence in justification—which calls for high-purchase discursive standing, or authoritativeness constraints that idealize less, rather than more, relative to these people's perspectives and deliberation resources. It is contested what aims public justification should prioritize (and it can prioritize other aims than alethic or recognitive aims).[8] However, what matters here are only recognitive views of public justification, that is, views that prioritize recognitive aims, and that hence adopt authoritativeness constraints that idealize less, rather than more.

A closely related point concerns the idea of discursive equality (I return to this idea in more detail later). Since a justificatory say can vary in discursive purchase, it can be equal (or unequal) in more than one way. It can be equal in a *formal* sense, as a matter of a consistent application of relevant standards to relevant people, or (also) *substantively*, as a matter of the influence that an application of these standards to these people leaves them with. One way to capture the point utilizes the idea of discursive purchase[9]:

FE *Formal discursive equality*: 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 α and β 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 accords discursive standing that is equal in discursive purchase.

Against this background, we can define an idea of discursive equity:

DE   *Discursive equity*: JP allocates discursive standing that satisfies discursive equity if and only if the standing that JP allocates satisfies formal *and* substantive discursive equality.

The differences between FE, SE, and DE, will help later to conceptualize discursive *in*equality in political liberalism (see Section 4).

   Not least, the authoritativeness constraints at work in public justification are sometimes specified only indirectly, through restrictions on the membership in its constituency. For example, rather than expressly specifying that only reasonable discursive input has justificatory weight, a view of public justification might fully enfranchise only reasonable people. Accordingly, claims like (i) "φ is justified if and only if φ is acceptable by reasonable people" are often understood as indirect versions of claims such as (ii) "φ is justified if and only if φ is reasonably acceptable." As we will see later, there are differences between these claims, but I will simplify and assume that claims like (i) may be understood as claims like (ii).

3 Political liberalism, public justification, and equal respect

With this I turn to political liberalism. To situate the matter of discursive equality in political liberalism, the first issue on our itinerary is this: Does Rawls adopt an actualist, robustly public, and conception-constraining idea of public justification?

   Yes, he does, but this is not obvious. Rawls adopts *two* ideas of public justification, and one is not actualist, but, say, *ideal*.[10] Ideal public justification is part of the model of a well-ordered society of reasonable citizens that is developed at the second stage of Rawls's conception of political justice, *Justice as Fairness* (JF). This is a society that is well-regulated by a liberal conception of political justice, that is, JF, where its reasonable citizens accept this conception and carry out public justification on its basis by applying its values to matters of justice that arise in this society—the conception hence serves them as a public basis of justification. Accordingly, ideal public justification is conception-*applying*, rather than conception-*constraining*, and it includes within its constituency only the non-existing, hypothetical reasonable citizens of that hypothetical society (thus the label, "ideal").

   But a more fundamental, actualist idea of public justification is entailed by the political role of general reflective equilibrium. For Rawls, any conception of justice for a Western liberal regime—Rawls's focus is on the United States of his time—is reasonable in the first place only if, at all levels of generality, it is coherently acceptable by the reasonable citizens of that regime—coherently, that is, or in reflective equilibrium.[11] Arguably, this refers to *actual* reasonable citizens: specifically, Rawls refers to "us," or "you and me,"[12] where the assumption is that he and (some of) his readers are reasonable

in his sense.[13] Thus, his view of general reflective equilibrium articulates a requirement of actualist public justification, and one that is robustly public: coherent acceptability by *actual* reasonable citizens *constitutes*, or is a key *condition* of, the reasonableness of conceptions of political justice.

Plainly, this requirement of actualist public justification—or APJ, for short—is conception-constraining. Given Rawls's focus on the United States of his time, he held that a conception of political justice, to meet APJ, must be *political* and *liberal*: it must (i) construe coherent acceptability by reasonable citizens as politically justifying, (ii) contain only the liberal political values of that society's liberal political tradition, and (iii) regulate that society's domain of the political only—where these things mark some of the defining commitments of a political liberalism. Thus, APJ constrains the form of justification, the content, and the applicative scope of a reasonable conception of political justice. As such, APJ gives rise to Rawls's project to present JF as a political liberalism. By the same token, APJ is fundamental in political liberalism's order of justification, or at least more so than any of the conceptions of political justice that depend for their reasonableness on meeting APJ, including JF.

Not least, what is the content of Rawls's politically basic idea of the reasonable—that is, the idea in terms of which the reasonable citizens that APJ refers to are, well, *reasonable*? Consider: if any of the citizens that APJ recognizes as reasonable, and includes on fully enfranchised footing within its constituency, was unable to coherently accept the defining commitments of political liberalism, then APJ would rule out, rather than call for, the project of a political liberalism. But Rawls takes it that APJ calls for that project: he presents JF as a political liberalism because he believes that JF, if it can be presented as such a view, *can* meet APJ. Apparently, then, he supposes that no citizen who is reasonable in APJ's politically basic sense is unable to coherently accept the defining commitments of political liberalism—views like (i), (ii), or (iii), above. And this invites long-standing concerns about political liberalism's lack of inclusiveness. Some (epistemically) reasonable citizens in good moral standing will be unable to coherently accept all of political liberalism's defining commitments. And for political liberalism to not be a nonstarter, these people cannot be included in APJ's constituency, or at least not on equal, fully enfranchised footing—which ties APJ to a problematic form of discursive inequality (see Sections 4 and 5).

A second issue on our itinerary now is the idea of respect. Actualist and robustly public justification in political liberalism models, or expresses, an idea of equal respect for reasonable citizens as free and equal persons—which holds in Rawls's case, but also, and more openly so, in the case of other first-generation political liberals such as Stephen Macedo or Charles Larmore.[14] I start with the observation that Rawls adopts *two* ideas of respect, one that is conception-dependent and one that is, again, conception-constraining.[15] The first idea is part of JF's model of a well-ordered society. The hypothetical reasonable citizens of JF's hypothetical well-ordered society respect each other as equals, but they look to the contents of their shared (putatively)

reasonable conception of justice, that is, JF, to determine what this requires: it requires that they treat each other in accordance with what JF prescribes. And as JF prescribes, amongst other things, that they engage in public reason-giving, conception-dependent respect commits them to do so. The point: to respect others in a conception-dependent sense is to treat them justly—or, say, as *recipients* of justice—as defined in terms of a given (putatively) reasonable conception of justice. Accordingly, what behavior or choices this calls for depends on what that conception prescribes.

A different idea of equal respect is expressed in political liberalism's view that respect for reasonable citizens as free and equal persons requires political power to accord with a conception of political justice that is publicly justifiable to them. In Rawls's case, this brings together his liberal principle of legitimacy (or LPL) and APJ. How so? For political power to respect reasonable citizens as free and equal persons, it must be exercised legitimately. Given LPL, this means that it must accord "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."[16] This refers to principles and ideals that are justifiable *as* reasonable and rational by a reasonable conception of political justice. But such conceptions depend for their reasonableness on their coherent acceptability by reasonable citizens. Accordingly, APJ accords these people a conception-constraining, justificatory say, or constitutive discursive standing, in relation to such conceptions. In a sense, then, equal respect here involves treating relevant people as *coauthors* (rather than only recipients or clients) of political justice, or its justification.

Elsewhere, I refer to this kind of equal respect as a form of "discursive respect"[17]: to stand in a relationship of discursive respect with other people in moral or political matters involves a commitment to their constitutive discursive standing in such matters, or to their having of a justificatory say. This can take many forms depending, amongst other things, on what people are taken to have such a say on.[18] For instance, Macedo suggests we owe reasonable citizens discursive respect in relation to the goodness of good, publicly justifying reasons: to properly respect such citizens as free and equal persons, he writes, political liberalism sees the goodness of good reasons "entirely [as] a function of their capacity to gain widespread agreement among reasonable people."[19] Larmore suggests we owe reasonable people discursive respect in relation to political principles: to properly respect such people is "to require that political principles . . . be as justifiable to them *from their perspective* as they presumably are to us,"[20] where this respect is the "moral basis of the liberal principle that the fundamental rules of political association are legitimate only if they can be the object of reasonable agreement."[21] Rawls's commitment to discursive respect is complex. It brings together LPL and APJ, and it is deep in political liberalism's order of justification: APJ constrains the reasonableness of conceptions of political justice. But this commitment also

echoes at the level of JF itself: JF's Original Position offers a reconstructive model of how APJ's reasonable citizens go about accepting or rejecting candidate principles of political justice.[22]

In passing, I note that discursive respect is not quite the same as Stephen Darwall's recognition respect. In an early formulation, Darwall tells us that to "have recognition respect for someone as a person is to give appropriate weight to the fact that he or she is a person by being willing to constrain one's behavior in ways required by that fact."[23] This leaves open whether recognition respect commits us to accord others constitutive or derivative discursive standing. He later associates recognition respect with the attribution to others of second-personal authority, or a commitment to be answerable to them and to provide them with second-personal reasons.[24] His notion of the second-personal is hard to pin down. However, on a broadly constructivist reading, second-personal recognition respect is a special case of discursive respect. Roughly, for α to attribute to β second-personal authority in relation to φ is for α to attribute to β standing to demand of α justification for φ by reasons that are actually acceptable by β as justifying reasons for φ—where these reasons count as justifying or as good reasons because, or only insofar as, they are actually acceptable by β. This would involve according to others constitutive discursive standing—and a *high-purchase* form of such standing at that.

By contrast, discursive respect leaves open how much purchase the discursive standing of other people has, or should have, or how much our justification standards may idealize. For example, discursive respect does not, or not by itself, commit us to take the goodness of reasons to depend on what relevant others can *actually* accept, rather than what they would accept when more (fully, ideally) rational or reasonable. Thus, unlike Darwall's second-personal recognition respect, discursive respect is compatible with practices of reason-giving that, for worse or better, idealize more rather than less, or that accord people discursive standing that is low rather than high in purchase. And since there is little agreement as to how much or how little the standards of public justification should idealize, it seems more impartial (or non-partisan) to say that public justification expresses or models a commitment to discursive respect, than to say that it expresses or models a commitment to Darwall-type second-personal recognition respect, as proponents of Gaus-type views of public justification sometimes do.[25]

4 Discursive equality?

In public reason, then, not all citizens are discursive equals—that is, real public reason that aims for actualist public justification (as opposed to public reason in JF's well-ordered society that aims for ideal public justification). Political liberalism attaches justificatory weight to what reasonable citizens can or cannot coherently accept—and, in Rawls's case, it does this at

a politically fundamental level of argument. But it does not accord equal weight to what other people can or cannot coherently accept. What to make of this?

I start with two comments. First, Rawls's restriction on the (primary) constituency of actualist public justification is contested even in first-generation political liberalism. For example, while Larmore concedes that political liberalism excludes some people, he in effect argues that actualist public justification—or "rational dialogue"[26]—should be more inclusive than Rawls allows: it should fully enfranchise people who are (i) reasonable in an epistemic sense—reasonableness in his sense "consists in believing and doing what is justified, given one's background beliefs, standards and interests"[27]—provided they also (ii) are "committed to basing political association on principles that can meet the reasonable agreement of citizens,"[28] or "prize most highly the norms of rational dialogue and equal respect."[29] Of course, depending on how we read (ii), a variant of APJ that requires for full enfranchisement Larmore-type reasonableness-*plus* might not be (much) more inclusive than a variant that requires Rawls's politically basic reasonableness. At any rate, political liberals disagree about what is required for full enfranchisement, but they often require reasonableness (or reasonableness-*plus*) while typically construing this in terms that not all citizens satisfy anyway. Below, I continue to put things in terms of reasonableness—where "reasonable" is a placeholder for a salient restriction on APJ's (primary) constituency.

Second, recall that restrictions on the membership in the constituency of public justification sometimes indirectly specify what authoritativeness constraints public justification adopts. This suggests we might interpret the discursive inequality of the unreasonable in two ways:

1. Political liberalism denies unreasonable people *formal* discursive equality (in FE's sense, see Section 2): only reasonable citizens have constitutive discursive standing.
2. Political liberalism denies unreasonable people *substantive* discursive equality (in SE's sense, see Section 2). Reasonable *and* unreasonable people have constitutive discursive standing, but discursive input counts toward justification only insofar as it is reasonable: reasonable people have discursive standing that is high in purchase (like Betty in JP1, above) while unreasonable people have discursive standing that is low in purchase (more like Betty in JP2).

Of course, against the background of what we have seen above, it is plain that (1) and (2) are not entirely the same. But let me now go with (2). Point (2) amounts to a promising variant of APJ, and it ties in with Larmore's view of equal (discursive) respect in political liberalism:

> [T]he moral idea of respect for persons lying at the heart of political liberalism should be formulated more precisely as follows: the

fundamental principles of political society . . . ought to be such that all
who are to be subject to them must be able from their perspective to
see reason to endorse them on the [perhaps counterfactual] assumption
that they are committed to basing political association on principles
that can meet the reasonable agreement of citizens.[30]

It is not clear what this looks like in actual practice. In the abstract, it sug-
gests something like (2), above. APJ does not deny the unreasonable a justifi-
catory say altogether, but recognizes uses of a justificatory say—acceptances,
rejections, objections, or other expressions of doubt or disagreement—as
authoritative only if they are reasonable, or accord with what reasonable
citizens could or would say. Thus, the unreasonable now have a justificatory
say, but their say is filtered, hypotheticalized, or idealized, in a way in which
the say of the reasonable is not. The reasonable have standing that is high
in purchase, like Betty in JP1: what they actually can or cannot coherently
accept has full justificatory weight. But the unreasonable have standing that
is *low*, or *lower*, in purchase, like Betty's standing in JP2: what they say
matters only insofar as it is aligned with what reasonable citizens could or
would say.[31]

Is this consonant with equal discursive respect, as Larmore evidently
assumes? This is not clear. One question here is what equal discursive respect
requires to begin with. And, it seems, it requires more than formal discursive
equality, but less than discursive equity, or formal plus substantive discur-
sive equality. Specifically, it requires the absence of *impermissible* purchase
inequality. I first spell out this point, and then bring things back to political
liberalism.

Recall first the nature of formal and substantive discursive equality, and
discursive equity. FE, above, claims that JP accords α and β discursive stand-
ing that is equal *formally* if and only if JP accords α and β discursive standing
of the same overall kind and applies to α and β the same authoritativeness
constraints. SE claims that JP accords α and β discursive standing that is
equal *substantively* only if their standing is equal in discursive purchase. Not
least, DE claims that JP meets *discursive equity* if and only if the standing
that JP accords is equal both formally and substantively. Thus, if we consider
what kind of discursive equality a commitment to equal discursive respect
calls for, or what kind or level of discursive *in*equality such a commitment
might be consonant with, if any, the difference between these three things
must complicate matters.

However, first, it seems that formal discursive equality is insufficient for
equal discursive respect. A justification practice can allocate formally equal
discursive standing while denying or diminishing the discursive influence
of some people or groups in a manner that turns justification practice into
a vehicle of marginalization, or domination.[32] For example, let JP3 adopt
ψ as its authoritativeness constraint, but assume that discursive input is ψ,
or counts toward justification, only if it coheres with (partisan, respectably

rejectable) values that are typically endorsed by the members of a socially dominant group. JP3's standards will hence deny or diminish the capacity of other people to reject or contest these values, or any proposal that is closely based on them. This rigs justification in a manner that operates to reproduce or entrench the social dominance of that group. Still, JP3 can satisfy formal discursive equality so long as it accords all constitutive discursive standing and applies ψ consistently. At least intuitively, therefore, formal discursive equality is not enough. (And of course there are similarities between JP3 and APJ, if the latter is premised on Rawls's politically basic idea of the reasonable as its authoritativeness constraint.)

Second, equal discursive respect must require less than discursive equity. Any interesting practice of actualist public justification will adopt authoritativeness constraints that are non-trivial in that not everyone always meets them anyway, no matter what—including Nazis, racists, religious fanatics, psychopaths, and so on. For, arguably, it would otherwise entail incoherence or anomy.[33] But when non-trivial authoritativeness constraints range over inclusive and diverse constituencies, ordinary facts of interpersonal difference will make it likely that an authoritative use of a justificatory say is more accessible for some people than others—which will entail purchase differences, however minimal.[34] The point: *if* (interesting) practices of actualist public justification can satisfy equal discursive respect, then the latter must require *less* than discursive equity.

Thus, third, there is reason to seek middle ground between formal discursive equality and discursive equity. That is, the kind of discursive equality that equal discursive respect calls for should be seen as relevantly purchase-sensitive. A self-suggesting option: equal discursive respect requires the absence of *impermissible* substantive discursive inequality. Specifically, APJ can accord with equal discursive respect even if APJ allocates α and β a justificatory say that is equal formally but not substantively, in terms of its discursive purchase, provided their say does not impermissibly differ in purchase. If so, the question shifts: when are differences in discursive purchase permissible, or just?

This question points toward terrain that is not well explored in the current public reason literature. Note that this question arises for *all* forms of public reason liberalism that adopt (i) a commitment to equal discursive respect, and (ii) a variant of APJ that accords some people, such as the unreasonable (unreasonable-*plus*), constitutive discursive standing of lesser purchase. To accord to some people constitutive discursive standing of lesser purchase either is compatible with equal discursive respect, or it is not. If it is not compatible with equal discursive respect, public reason liberalism must abandon (i) or (ii) (or both). But if the assumption is that it *is* compatible with equal discursive respect, then it must be explained why it is compatible with it, or why salient purchase differences *are* permissible. And it is open what such an explanation can look like.

5 Permissible purchase inequality?

The issue of permissible purchase inequality leaves political liberalism in a tight spot, but this is not the end of the story. One way to proceed here is to approach the issue as a higher-order matter of distributive justice: it concerns the permissibility of allocations of what arguably is an important good, namely, discursive influence in justification, or discursive standing that is high in purchase, like Betty's standing in JP1, rather than low in purchase, like her standing in JP2. If we may approach matters in such terms, we can conceive of various candidate conceptions of the permissibility of purchase inequality—or of purchase justice, for short—that adapt general intuitions about distributive justice to the case at hand. By way of conclusion, I gesture in the direction of a broadly sufficientarian candidate that springs to mind here.[35]

This candidate draws on Harry Frankfurt's intuition that where inequality matters, this is often only because the people who have less do not have enough.[36] This suggests something like *Discursive Sufficientarianism*:

DS   Purchase inequality is permissible, or just, only if each relevant person has constitutive discursive standing of *sufficient* purchase.

This says little unless we specify a sufficiency threshold. Such thresholds can be of at least two kinds:

MaxS *Maximalist sufficiency*: α's discursive standing has sufficient discursive purchase when it is enough for α to *access relevant goods*—that is, if it is such that had α more discursive purchase, this would not add relevant positive value.

MinS   *Minimalist sufficiency*: α's discursive standing has sufficient discursive purchase when it is enough for α to *avoid relevant bads*—that is, if it is such that had α less discursive purchase, α would not be able to do, bring about, or avoid, what it would be relevantly bad for α not to be able to do, bring about, or avoid.

Both kinds of thresholds are eligible, but I now limit my attention to a view that premises DS on MinS—say, minimalist discursive sufficientarianism. On such a view, much depends on what counts as a relevant bad. What should count as a relevant bad in MinS's sense?

Many things might qualify. To put some content into this, take the intuition that moral or political reason-giving should have a *protective* function: it should enable us to effectively contest what we regard as wrong, false, or unacceptable. Plainly, this matters to us—whether we understand it in terms of respect for our (presumptive) "qualified veto-right" to reject "unjustified domination,"[37] or in terms of our (presumptive) authority as a "voice that

cannot be dismissed without independent reason."[38] Let me understand it in terms of Rawls's insight that we see ourselves as "self-authenticating sources of valid claims."[39] Adapted to the case of moral or political reason-giving: we take ourselves to be entitled to make claims on others in relation to what they see as good reasons, and we expect them to attach positive weight to our claims even when these claims express a motivated non-acceptance of their reasons—widely conceived so as to include rejections, objections, and other expressions of doubt or disagreement. And, minimally, we seem to expect that others regard, or are prepared to regard, our motivated non-acceptance of their reasons as something that can cast doubt on, or put in need of justification, these reasons, or their presumed goodness—that is, also from *their* perspective, and even if they disagree with what we say. Elsewhere, I call this the "recognitive discursive minimum" of what we expect of others in moral or political reason-giving.[40]

Perhaps, then, it is a relevant bad if, in a given justification practice, the recognitive discursive minimum is not readily available to relevant people. And, it seems, that minimum is not readily available where public justification does *not* count our motivated rejections as authoritative, or as negatively contributing to the justification status of the things that we reject.[41] For instance, recall Betty's standing in JP2: JP2 does not count her rejection of φ as authoritative, or as having justificatory weight—which exposes her to a denial of the recognitive discursive minimum. The point: for this minimum to be readily available, it is necessary (but perhaps not sufficient) that relevant authoritativeness constraints make it a readily available option for relevant people, given their actual perspective and deliberation resources, to reject things in ways that count as authoritative. It is a small step from here to conclude that, whatever else is necessary for permissible purchase inequality (and all other things equal), purchase inequality is *im*permissible, or *un*just, where it is *not* a readily available option for relevant people to authoritatively reject moral or political things that they cannot actually accept coherently.

As the example of JP2 suggests, that option does not seem to be readily available where the authoritativeness of discursive input is defined in highly idealizing terms. But neither does it seem to be readily available where all authoritative input must accord with values, widely conceived, that relevant people cannot actually accept coherently—as is the situation of the unreasonable in APJ. In both cases, there not only is a gap between what justification counts as an agent's authoritative say, or what she would say if she met the relevant authoritativeness constraints, and her actual say, or what she is actually committed to accept or reject—but there is a gap that seems to be *too wide* for the recognitive discursive minimum to be readily available. The upshot: other things being equal, political liberalism seems to allocate discursive standing to the unreasonable that is impermissibly unequal substantively—standing, that is, that seems to be *in*compatible with political liberalism's commitment to equal discursive respect. Call this the *Objection*

from Impermissible Purchase Inequality, or a sufficientarian variant of this objection.

This has much appeal, but it does not achieve a great deal. It does, however, draw out relevant questions. When does the gap just referred to become too wide? How much can relevant authoritativeness constraints idealize before the recognitive discursive minimum becomes relevantly unavailable (say, in relation to a given context, subject matter, or constituency)? Another question must be under what conditions we may *withhold* according to others that minimum—and, evidently, not *all* expressions of doubt or disagreement, *whatever* their motivation or content, should be taken to put in need of justification our reasons, or their (presumptive) goodness. And of course these things are a mere fraction of the issues that a promising version of discursive sufficientarianism would need to address, given what else might be a relevant bad in MinS's sense, and given, as well, that MinS is not the only eligible candidate sufficiency threshold. Not least, DS is not the only eligible candidate view of the permissibility of purchase inequality, or of purchase justice.

In closing, it remains open how public reason liberalism should construe authoritative acceptability in public justification. But where liberal public justification accords actual people discursive respect and relevantly idealizes at least around its fringes, the permissibility of purchase inequality must be a central concern.

Notes

1　John Rawls, *Political Liberalism*, Expanded ed. (New York: Columbia University Press, 2005); John Rawls and Erin Kelly, *Justice as Fairness: A Restatement* (Cambridge, MA: Harvard University Press, 2001); Charles Larmore, *The Moral of Modernity* (Cambridge: Cambridge University Press, 1996); Larmore, "Political Liberalism: Its Motivation and Goals," in *Oxford Studies of Political Philosophy*, Vol. 1, ed. David Sobel, Peter Vallentyne, Steven Wall (New York: Oxford University Press, 2015), 63–88; Stephen Macedo, *Liberal Virtues* (Oxford: Oxford University Press, 1991).

2　Rawls, *Political Liberalism*, 465.

3　See fn. 1, above, and Thomas Nagel, *Equality and Partiality* (Oxford: Oxford University Press, 1991); Gerald Gaus, *The Order of Public Reason* (Cambridge: Cambridge University Press, 2011); Rainer Forst, *The Right to Justification* (New York: Columbia University Press, 2012); Johan Brännmark and Eric Brandstedt, "Rawlsian Constructivism and the Assumption of Disunity," *The Journal of Political Philosophy* 27, no. 1 (2019); Besch, "On Actualist and Fundamental Public Justification in Political Liberalism," *Philosophia* 48, no. 5 (2020); Kevin Vallier and Ryan Muldoon, "In Public Reason, Diversity Trumps Coherence," *Journal of Political Philosophy* 29, no. 2 (2021); Besch, "Patterns of Justification: On Political Liberalism and the Primacy of Public Justification," *Journal of Social and Political Philosophy* 1, no. 1 (2022).

4　This draws on Gerald J. Postema's notion of robustly public justification: see his "Public Practical Reasoning: An Archaeology," *Social Philosophy and Policy* 12, no. 1 (1995).

Proof

5 On the two kinds of discursive standing addressed in this paragraph, see Besch, "On Discursive Respect," *Social Theory and Practice* 40, no. 2 (2014): 208f; Besch, "On Justification, Idealization, and Discursive Purchase," *Philosophia* 47, no. 3 (2019): 605ff.

6 Besch, "Discursive Respect," 216–220, and "On Justification," 606ff; see also Besch, "On Robust Discursive Equality," *Dialogue: Canadian Philosophical Review* 58 (2019): 470ff.

7 See the account of idealization and its relationship with discursive purchase in Besch, "On Justification," 608–611.

8 For instance, public justification might pursue (non-alethic, non-recognitive) *prudential* goals, such as Hobbesian goals of individual or collective safety: see, for example, David Gauthier, "Public Reason," *Social Philosophy and Policy* 12, no. 1 (1995): 19–42.

9 On formal and substantive discursive equality, and discursive equity (see below): see Besch, "Discursive Equality," 473–476.

10 Besch, "Actualist Justification," 1779ff.

11 Rawls, *Political Liberalism*, 8, 28, 94; see also Besch, "Actualist Justification," 1784ff.

12 Rawls, *Political Liberalism*, 28.

13 Besch, "Actualist Justification," 1784f.

14 See Macedo, *Liberal Virtues*, 46f, or Larmore, "Political Liberalism," 78f.

15 See Besch, "Actualist Justification," 1779–1783.

16 Rawls, *Political Liberalism*, 217.

17 Besch, "Discursive Respect," 207ff.

18 Of course, it also depends on other things. For instance, much depends on the purchase of the constitutive discursive standing of relevant people: see ibid., and below. I discuss various dimensions in which conceptions or practices of discursive respect can vary, and tenuous interdependencies between calibrations of such respect in these dimensions, in Besch, "Discursive Respect," 212–220, 224–231.

19 Macedo, *Liberal Virtues*, 46f.

20 Larmore, "Political Liberalism," 78; my emphasis.

21 Ibid., 79.

22 See Besch, "Actualist Justification," 1787ff. I develop this reading more fully in Besch, *Über John Rawls' politischen Liberalismus* (Frankfurt: Peter Lang, 1998); "Political Liberalism, The Internal Conception, and The Problem of Public Dogma," *Philosophy and Public Issues* 2, no. 1 (2012); "On Political Legitimacy, Reasonableness, and Perfectionism," *Public Reason* 5, no. 1 (2013); and "Actualist Justification" and "Patterns of Justification." This reading amounts to an *actualist* variant of what Jonathan Quong calls an "internal" conception of political liberalism—see his *Liberalism without Perfection* (Oxford: Oxford University Press, 2011): unlike Quong's *ideal* variant, this reading assumes that political liberalism, at a fundamental level of argument, construes public justification as fully enfranchising *actual* reasonable citizens. For differences between this reading and Quong's variant of an internal conception: see Besch, "Actualist Justification," 1789ff.

23 Stephen Darwall, "Two Kinds of Respect," *Ethics* 88, no. 1 (1977): 45.

24 Stephen Darwall, *The Second-Person Standpoint* (Cambridge: Cambridge University Press, 2006); "Precis: The Second-Person Standpoint," *Philosophy and Phenomenological Research* 82, no. 1 (2010); and "Authority and Reason: Exclusionary and Second-Person," *Ethics* 120, no. 1 (2010).

25 See, for example, Gerald F. Gaus, "Respect for Persons and Public Justification," in *Respect*, ed. Richard Dean and Oliver Sensen (Oxford: Oxford University

Press, 2021), 55–76; Han van Wietmarschen, "Political Liberalism and Respect," *The Journal of Political Philosophy* 29, no. 3 (2021).
26 Larmore, *Morals*, 134ff.
27 Larmore, "Political Liberalism," 70.
28 Ibid., 82f.
29 Larmore, *Morals*, 142.
30 Larmore, "Political Liberalism," 82f.
31 Note that the point here is not that APJ so construed accords the unreasonable discursive standing that is *permissibly* unequal or *high enough* in purchase. Far from it: see Section 5. I am indebted to the editors for reasons to highlight this here.
32 See Besch, "Discursive Equality," 473–476.
33 Ibid., 475f.
34 Ibid.
35 For this and various other candidate conceptions of purchase justice, see Besch, "Discursive Equality," 476–485.
36 Harry Frankfurt, *On Inequality* (Princeton, NJ: Princeton University Press, 2015), 43–61.
37 Rainer Forst, "Toward a Critical Theory of Transnational Justice," *Metaphilosophy* 32, no. 1 (2001): 168f; "The Justification of Human Rights and the Basic Right to Justification: A Reflexive Approach," *Ethics* 120, no. 4 (2010): 719.
38 Philip Pettit, *Republicanism* (Oxford: Oxford University Press, 1997), 91.
39 Rawls and Kelly, *Justice as Fairness*, 23.
40 Besch, "On Justification," 618f.
41 Ibid., 614–623.

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