On Practical Constructivism and Reasonableness

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Abstract
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The thesis examines whether there can be a satisfactory constructivist case for the view that constructivism should take a universalist form. It sets out by arguing that leading political liberals, i.e., John Rawls, Stephen Macedo, and Charles Larmore, adopt a constructivist view of public justification, but commit themselves to restrict public justification's scope to people who are reasonable in a substantive but unvindicated sense, and so advance a particularist and contextualist form of constructivism. Hence, a satisfactory constructivist case for the view that constructivism should take a universalist form must at least show why political liberalism's particularism or contextualism (or both) should be rejected; as a constructivist case, it would have to show this by arguing from grounds that political liberals are not from the outset committed to reject.

Onora O'Neill, an exemplary universalist constructivist, promises such a case: she requires *all* reasoning, including reasoning about the criteria and the scope of substantive, first-order practical reasoning, to be followable by *everyone* for whom it claims authority, and defends her brand of universalist constructivism on that basis. If she succeeds, there is a suitable case against political liberalism's particularism or contextualism (or both). The thesis examines O'Neill's view of the structure and scope of practical reasoning, and argues two claims. First, O'Neill cannot coherently reject political liberalism's contextualism unless she establishes that first-order practical reasoning must include all others for whom it claims authority in its scope. Second, O'Neill cannot establish this *and* avoid a higher-order form of particularism – which would undermine her universalist aspirations – unless she supposes thin perfectionism.

The thesis elaborates a view of the good that O'Neill has reasons to suppose and specifies the sort of argument that an accordingly revised, partly perfectionist universalist constructivism would yield against political liberalism. The thesis concludes that universalist constructivists have reasons to defend the link between constructivism and universalism partly on perfectionist grounds.

You ought not to discuss with everybody (...) for with some people argument is sure to deteriorate; for with a man who appears to try every means to escape from the right [conclusion] you are justified in trying everything to come to such a conclusion; however, this is not a seemly proceeding (...) [It] can only result in a debased kind of discussion.[1]

[T]he origins *we* should begin from is what is known to *us*. This is why we need to have been brought up in fine habits if we are to be adequate students of what is fine and just, and of political questions generally. For the origin we begin from is the belief that something is true, and if this is apparent to us, we will not, at that stage, need the reason why it is true in addition; and if we have this good upbringing, we have the origins to begin from, or can easily acquire them.[2]

We respect persons and views that we regard as reasonable.[3]

[W]e seem continually to discover new forms of bigotry, and new groups of persons whose moral status has been unjustly diminished. In addition to sexism, racism, and ethnic and religious bigotry, we are now aware of homophobia or heterosexism (the denial of full moral status to lesbians, homosexual men, and bisexual persons); ageism (the denial of full status to human beings because of their age); ableism (the denial of full status to human beings with physical or mental disabilities). Worse, it is not always clear that these forms of bigotry represent minority opinions.[4]

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[1] Aristotle, *Topics*, 164b8-14. Cited after Gerald J. Postema's translation, in his "Public Practical Reason: Political Practice", in Ian Shapiro, Judith Wagner DeCew, *Theory and Practice*, New York 1995, 356.

[2] Aristotle, *Nicomachean Ethics*, 1095b3-7. Cited after Terence Irwin's translation, Cambridge 1985, 6.

[3] Stephen Macedo, *Liberal Virtues*, Oxford 1990, 71.

[4] Mary Anne Warren, *Moral Status*, Oxford 1997, 8.

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Introduction

1. *On constructivism*

It has often been claimed that we should not impose our practical views on others unless we have good reasons to believe that these views are right – reasons, moreover, that are good by the light of standards that are acceptable by these others as well. However, our conceptions of practical reasoning and justification sometimes are as controversial as the substantive practical views that we construe as reasoned or justified. And disagreement about such conceptions sometimes involves disagreement about the goodness of even those reasons by which we would defend these conceptions. But if there is such deep disagreement, how can we rightfully and justifiably, and not just arbitrarily or dogmatically, claim that others who deeply disagree with us are wrong?

Practical constructivism can locate deep disagreement at what appears to be the right level.[5] In one way or other, constructivists construe the goodness of good reasons, and the rightness of practical views, including views of how we ought to reason or act, as a function of their acceptability. This idea allows us to construe deep disagreement as something that can call into question the (alleged) authority of conceptions of practical reasoning and justification – *including*

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[5] The terminology that I use here and in the next paragraph will be explained in due course. As the following concerns practical forms of constructivism only, let me henceforth drop the qualifier 'practical'.

constructivism. And while this, I believe, recommends constructivism, it also raises the question of whether constructivist views of practical reasoning and justification can plausibly resolve deep disagreement in their favour. If they cannot do that, they will, even by their own lights, fail to be plausible and compelling.

This essay is about a stretch of deep disagreement that arises *within* constructivism. It asks whether universalist constructivism can plausibly defend its universalist commitments against particularist constructivism – forms of constructivism, that is, that differ, amongst other things, in respect of their views of the scope and the addressees of practical reasoning. And while this essay adopts a universalist and, for the most part, constructivist point of view, one of its main aims is to argue that universalist constructivism, or a leading, exemplary form of it, cannot do so on its own, constructivist grounds, but would have to take refuge in non-constructivist, perfectionist arguments.

To further specify what this essay is about, it is best to add remarks on constructivism. There are several forms of constructivism, and many labels are in use to refer to it, or forms of it (e.g., 'antiperfectionism', 'contractarian' constructivism, 'moral' or 'ethical' constructivism, 'structural contractualism', 'political' or 'Kantian' constructivism). At a generic level, however, constructivism may be associated with two main ideas. First, constructivists are *antirealists*. As Onora O'Neill, a leading constructivist, has put it, they

> doubt or deny that there are distinctively moral facts or properties, whether natural or nonnatural, which can be *discovered* or *intuited* and will provide foundations for ethics. John Rawls put the point succinctly in 1989 in "Themes in Kant's Moral Philosophy" where he denied that ethical "first principles, as statements about good reasons, are regarded as true or false in virtue of a moral order of values that is prior to and independent of our conceptions of person and society and of the public and social role of moral doctrines."[6]

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[6] O'Neill, "Constructivism in Rawls and Kant", in Samuel Freeman (ed.), *The Cambridge Companion to Rawls*, Cambridge 2003, 348. What I say here is not entirely sympathetic with the sketch of constructivism that O'Neill provides in this paper: see fn. 13, below. Rawls's "Themes in Kant's Moral Philosophy" is reprinted in his *Collected Papers*. Edited

Second, constructivists take it that action and practical thought can *genuinely be reasoned*, and thus assume that at least some practical views are justifiable as views that have epistemic or practical authority.[7] Yet, given their antirealism, constructivists do not take the justification of practical views to be a matter of establishing that these views are true of some 'independent moral order of values'. Instead, they take the justification of such views to be a matter of establishing that they are *acceptable* (or followable, shareable, or unanimous) in some privileged and allegedly authoritative sense. The second idea is important here; it is possible to construe it as entailing the first. Thus, let me call a position in moral or political philosophy constructivist in a generic sense if, in one way or other, it endorses a view of the following form (for a given type of practical views, *A*):

A-type claims are Φ if, and only if, they are authoritatively acceptable,

where 'Φ' refers to an epistemic or practical merit such as rightness, correctness, validity, truth, or objectivity, and the phrase 'are authoritatively acceptable' to the sort of acceptance that is taken to confer that merit. This formula, then, suggests various dimensions in which constructivisms can differ: they can differ vis-à-vis, e.g., (i) what they take to be the status of the above formula (e.g., they might take it to be a conceptual truth or a substantive standard (or requirement or ideal) of practical reasoning and justification); (ii) the range of practical views to which they apply that formula (they might apply it to all or only a sub-set of practical views); (iii) what they regard as the relevant merit; (iv) what sort of acceptance they regard as authoritative (e.g., actual, possible, or hypothetical, rational or reasonable acceptance); and, related to (i), (v) their view of how and why the relevant sort of acceptance confers the relevant merit.[8]

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by Samuel Freeman, Cambridge (MA) 1999; the quote is from page 511.

[7] Not much depends here on how exactly we characterise practical (as opposed to theoretical) views. I should add, however, that, for reasons that will emerge later, I shall take the set of practical views to comprise not only views (claims, beliefs, ideas, conceptions, and the like) of how we should (ought to, must, may, have reasons to) act, including moral or political precepts, but also views of how we should reason practically, including views of the structure and the scope of practical reasoning and justification.

[8] Writings that are constructivist in this generic sense include: Rawls, *A Theory of Justice*, Cambridge (MA) 1971; "Kantian Constructivism in Moral Theory", *The Journal of*

Now what I am concerned with here are views that are constructivist in the more specific sense of tacitly or openly endorsing a standard such as:

> *A*-type claims are correct (or right, valid, or true) if, and only if, they are *reasonably* acceptable,

where this formula can be predicated on distinct views, or conceptions, of reasonableness. Following Rawls, I shall suppose here and below that something is 'reasonably acceptable' if, and only if, it is 'acceptable by reasonable people' – I shall assume, that is, that, whatever conception of reasonableness we might adopt, the latter takes analytic priority over the former.[9] The formula just stated thus yields:

> (C) *A*-type claims are correct (or right, valid, or true) if, and only if, they

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Philosophy 77 (1980); *Political Liberalism*, New York 1993; *Justice as Fairness*, Cambridge (MA) 2001; Charles Larmore, *Patterns of Moral Complexity*, Cambridge 1987; *The Morals of Modernity*, Cambridge 1996; Stephen Macedo, *Liberal Virtues*, Oxford 1991; Thomas Scanlon, "Contractualism and Utilitarianism", in Amartya Sen, Bernard Williams (eds.), *Utilitarianism and Beyond*, Cambridge (MA) 1982; *What We Owe to Each Other*, Cambridge (MA) 1998; Brian Barry, *Theories of Justice*, Berkeley 1989; *Justice as Impartiality*, Oxford 1995; Thomas Nagel, *Equality and Partiality*, Oxford 1991; O'Neill, *Constructions of reason*, Cambridge 1989; *Toward Justice and Virtue*, Cambridge 1996; *Bounds of Justice*, Cambridge 2000. Christine Korsgaard, *The Sources of Normativity*. Edited by Onora O'Neill, Cambridge 1996; *Creating the Kingdom of Ends*, Cambridge 1995; David Gauthier, *Morals by Agreement*, Oxford 1986. Richard M. Hare construes moral objectivity in constructivist terms: see his *Moral Thinking*, Oxford 1981; "Rationalism", in Hare, *Sorting Out Ethics*, Oxford 1997; "Objective Prescriptions", in Hare, *Objective Prescriptions*, Oxford 1999. Crispin Wright and Jürgen Habermas put things not in terms of acceptance, but in terms of an allegedly authoritative deliberative or discursive context of acceptance. Yet privileging some form of the latter may be seen as an indirect way to privilege some form of the former. Thus, they are constructivists in the generic sense: see, e.g., Wright, *Truth and Objectivity*, Cambridge (MA) 1992; Habermas, "Richtigkeit versus Wahrheit", in Habermas, *Wahrheit und Rechtfertigung*, Frankfurt (Main) 1999.

[9] This anticipates a view I shall later attribute to Rawls: see I.3, below. For reasons why his usage of the word 'reasonable' may be construed in this way: see my *Über John Rawls' politischen Liberalismus*, Frankfurt am Main 1998, 34ff. Alternatively, we might want to construe the reasonableness of claims as a matter of, e.g., their internal properties, or their relation to other claims, or their relation to the world. Yet, I take it, that claims that show the relevant properties are *reasonable* would have to derive from the fact that *reasonable people* take it, or would take it, or tend to take it, that such claims *prima facie* are good claims to accept.

are acceptable *by reasonable people*.

As I am only concerned with approaches that are constructivist in the more specific sense just sketched, let me henceforth refer to (C) as constructivism's standard of justification. Recent writings that are constructivist in this more specific sense include the works of Rawls, Macedo, Larmore, Scanlon, Barry, Nagel, and O'Neill.[10]

Now there can be various forms of constructivism depending on, e.g., what further assumptions are made to flesh out, concretise, or complement (C). Accordingly, we may distinguish between *universalist* and *particularist* forms of constructivism. Universalist constructivists combine (C), or some version of (C), with several views that are typical for, and are commonly associated with, 'Kantian universalism' in moral philosophy. Thus, they adopt *formal universalism*, i.e., the view that moral thought and action is (or should be) governed by moral precepts that are universal in structure, or (logical) form. More important in what follows, they also endorse what we may call the ideas of *applicative universalism* and *justificatory universalism*:

> (AU) At least some moral precepts (or, more generally, practical views) claim authority for every moral agent.[11]

> (JU) Moral precepts (or, more generally, practical views) must be justifiable to everyone for whom they claim authority.

Moreover, universalist constructivists seek to predicate (C), or some version of (C), on a conception of reasonableness that may be expected to be acceptable and cogent from the respective perspective of all agents to whom, given (AU) and

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[10] See fn. 4, above. Rawls, Scanlon, Barry and Nagel put things not in terms of what can be *accepted* reasonably, but in terms of what cannot be *rejected* reasonably. As views that cannot be rejected reasonably mark a sub-set of reasonably acceptable views, however, these authors do not reject, but advance a negative version of (C).

[11] Unless otherwise stated, I shall understand the notion that some practical view, *S*, 'claims authority for' – or, as I shall also say, 'applies to' – X in a wide sense. It will not only refer to the fact that *S* states that X should do or let happen certain things. It will also refer to phenomena such as claims or beliefs to the effect that X should accept *S*, or may be demanded to act on *S*, or be treated in accordance with *S*, or be subjected to the consequences of acting on *S*, and the like. On this idiom, *S* can be claimed to 'claim authority for', or to 'apply to', X even if *S* is false or should be rejected.

(JU), moral precepts must be justifiable. Universalist constructivists might disagree about what an account of 'reasonableness' must be like to best serve this aim. In particular, they might disagree about what sort of normative content, if any, may flow into a view of reasonableness before that view itself becomes a potentially controversial moral ideal that may claim authority only if it is justifiable to the relevant others. Still, they converge on the view that (C) should be predicated on some view of reasonableness that is thin, rather than thick, in content. Thus, they also endorse what we may call *normative minimalism*:

> (NM) Practical justification (i.e., (C)) should be predicated on thin, rather than thick, assumptions about reasonableness.[12]

Universalism and particularism are often taken to mark contradictory stands in moral and political philosophy. If that is so, we might construe constructivist views as universalist only if they endorse all of the further claims just sketched, and as particularist if they reject at least one of these further claims. For what matters here, though, I shall follow a less restrictive policy. Thus, if a constructivist view adopts (AU), (JU) and, accordingly, (NM), I shall take it to be universalist – whether or not it also adopts formal universalism. If a constructivist view does not accept (JU) and (NM), I shall take it to be particularist – whether or not it also rejects formal universalism and (AU).[13]

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[12] E.g., it might be claimed that every moral agent to whom, given (AU) and (JU), moral precepts must be justifiable, may be expected to accept that it is unreasonable to be locally incoherent. Thus, there would be a reason to build the standard of local coherence into a view of reasonableness that (C) deploys. And while this standard might not be enough to make (C) fruitful for the purposes of practical justification, what further content may be taken up here would have to be restricted by what it takes to live up to (JU), given (AU).

[13] In her "Constructivism in Rawls and Kant", O'Neill claims that 'ethical' constructivism – and she appears to take this to be representative for *all* forms of practical constructivism – opposes views of justification "which are too weak to support strong claims about objectivity in ethics (e.g., relativism, communitarianism, social constructionism applied to ethical beliefs)." (*Ibid.*, 348) On the view suggested here, this marks a specific form of constructivism, or else builds something into the characterisation of constructivism that can be, and is, controversial amongst constructivists. While constructivists accept that practical views are justifiable, they might, and typically do, reject that they can be 'objective' in any sense that goes beyond (intersubjective) justifiability; and they might adopt a weak *or* a strong view of justification. Accordingly, O'Neill implies that Rawls's influential political constructivism is not a

2. *A problem*

Universalist constructivists aspire to provide an account of practical reasoning and justification that is not only plausible and compelling in its own right, but at the same time allows us to vindicate at least some moral precepts as reasonably acceptable precepts, given a view of reasonableness that is acceptable and cogent from the respective perspective of every moral agent. The question is, of course, whether universalist constructivism can sustain this aspiration; and it has often been argued that it cannot. Let me just mention two of the more common objections. First, it is claimed, once (C) is predicated on a view of reasonableness that is thin enough in content to be truly acceptable and cogent from the respective perspective of every moral agent, (C) will not have enough content to have sufficient bite for the purposes of a justification of any more specific and interesting set of moral precepts. Correspondingly, second, if, again, reasonableness is construed in accordingly thin terms, the only way to import sufficient content to provide (C) with the bite it aspires to have would be to bring in, and rely on, additional, independent moral or ethical views. Thus, even if (C) could be made fruitful for the purposes of justification, its bite would largely, if not entirely, stem from views the authority of which does not derive from (C), but from some other source.[14]

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form of 'ethical' constructivism – for, as she herself sees (*ibid.*, 353), Rawls works with a weak view of justification (and he adopts a correspondingly weak notion of objectivity). See Rawls (1993), 89-130; see also I.1 and I.3, below. This suggests we construe 'ethical' constructivism as a specific form of constructivism. But O'Neill does not seem to leave conceptual space for views that are both constructivist and adopt a weak view of justification that does not support 'strong claims about objectivity'. Thus, she seems to imply that Rawls's view is not *constructivist* (still, throughout that paper, she refers to it as a constructivist view). By contrast, I leave open how weak or strong a constructivist view of justification must be. I take this to be a *substantive* issue that can be controversial amongst leading, self-professed constructivists such as O'Neill and Rawls. (C) allows for constructivist views of justification that differ in strength, depending on what further views are taken up to flesh out or complement (C). O'Neill's emphasis on views of justification that support 'strong claims about objectivity', then, marks a difference not between constructivism and non-constructivism, but between universalist and other forms of constructivism.

[14] Bernard Williams raises an objection of the first type against Scanlon in Williams, *Ethics and the Limits of Philosophy*, London 1985, 103. James P. Griffin seems to invoke an

Such objections have some appeal. As far as the meaning of the word 'reasonable' is concerned, reasonable people, I take it, are committed to a "practice of reason-giving," and to the idea that at least some other people are "worthy of reason-giving and some minimum consideration."[15] And, I shall later suggest, reasonable people seek (some form of) unanimity.[16] Not least, we may suppose that it is unreasonable to be locally incoherent. But all that this seems to clearly rule out are strong, egocentric forms of egoism (forms of group-egoism, for instance, do not seem to clearly be ruled out). Thus, by itself, (C) appears to be quite empty.

Still, objections of the sketched sort might not be fatal for universalist constructivism. As (C) is not the only resource universalist constructivists may draw on in the justification of moral precepts, they might seek to cross (C) with more specific views of, e.g., what it presupposes or implies to give reasons, or to take others to be worthy of reason-giving and some minimum consideration, or, not least, to seek unanimity, that might add the necessary bite. And while it is an open question whether any such move can overcome, or can itself avoid, objections of the sketched sort, universalist constructivists might quite plausibly insist that since the idea of a universalist constructivism marks an ongoing project, and since good answers to such objections might still be found, it would be premature to reject the entire project.

However, there is another, related, though more fundamental issue that concerns the cogency of that project itself. Even if objections of the sketched sort can be met, and even if practical reasoning and justification should be construed in terms of (C), the question still remains why we should endorse universalist

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objection of the second type against Hare in Griffin, *Value Judgement*, Oxford 1996, 6 and 6, fn.6. Habermas attributes an early formulation of such objections to Hegel (as objections to Kant's 'formalism' and universalism): see Habermas, "Treffen Hegels Einwände gegen Kant auch auf die Diskursethik zu?", in Habermas, *Erläuterungen zur Diskursethik*, Frankfurt am Main 1991.

[15] Margaret Moore, "On Reasonableness", *Journal of Applied Philosophy* 13 (1996), 171. I shall suppose that Moore's view of the meaning of the word 'reasonable' is (only) approximately right. See II.4, II.5, below.

[16] To anticipate what comes later, once we duly distinguish between various conceptions of unanimity, the view that reasonable people seek (some form of) unanimity does *not* imply that it would be unreasonable to reject universalist (or, in fact, any other form of) constructivism. See II.4. and II.5, below.

aspirations *in the first place* – or why, that is to say, we should seek to cross (C) with a thin and inclusive, rather than a thick and exclusive, view of reasonableness. We shall see that there are particularist forms of constructivism. Some constructivists accept (C), or some version of (C), but reject the ideas of justificatory universalism and normative minimalism. They do not seek to predicate practical reasoning and justification on a view of reasonableness that is acceptable and cogent from the respective perspective of every moral agent. Instead, they construe people as reasonable only if they endorse (controversial) normative content that from the outset biases (C), or their version of (C), toward moral precepts of a certain, quite specific type. And while the precepts they advocate claim authority also for people who reject that normative content, that content remains unvindicated. Objections of the sketched sort, then, call into question whether universalist constructivism can result in satisfactory moral conclusions. Yet that there are particularist forms of constructivism raises the question of whether the project of a universalist constructivism, even if it could produce such conclusions, is cogent in its own right. To defend its cogency, then, universalist constructivists must at least show why particularist constructivism should be rejected.

If the link between constructivism and universalism cannot satisfactorily be defended on constructivist grounds, universalist constructivists are faced with the problem that this link, and hence their own universalist aspirations, might be merely arbitrary or dogmatic, or might at best reflect some conception of the good that reasonable moral agents *may or may not* adopt – or else that this link, and these aspirations, must be vindicated on *non-constructivist* grounds. (I indicate in somewhat more detail what would follow in section II.3, below.) In the first case, the project of a universalist constructivism might as a whole express a partisan, itself particularist bias for certain universalist values embedded in, say, 'our' culture, or 'our' tradition, or 'our' form of life – rather than being based on something that is plausible and compelling from the respective perspective of every reasonable moral agent. In the second case, there might be a sense in which that project is cogent. Yet universalist constructivists would have to concede that its cogency supposes that at least some practical views can be correct (or right, valid or true) even if they do *not* meet (C), or some version of (C).

The problem that this essay studies in a specific, exemplary context, then,

is the problem of whether the link between constructivism and universalism can satisfactorily be defended on constructivist grounds. My conclusion will be critical: I shall suggest that, in order to satisfactorily defend that link, universalist constructivism, or one leading, exemplary form of it, has reasons to embrace the second of the two possibilities just indicated.

3. *An overview*

My discussion comes in four main parts. As these parts, and many of their main sub-divisions, are introduced separately, I shall now restrict my attention to the main themes of each part.

Part I argues that political liberalism – as advanced by the later Rawls, Stephen Macedo and Charles Larmore – is a contextualist and particularist form of constructivism. (I detail in what sense it is constructivist, contextualist and particularist in I.1., I.13 and I.14.) To this end, I address the role of reasonableness in political liberalism, and hence look at political liberalism's view of public justification, as well as a set of related issues, i.e., public justification's professed neutrality, political liberalism's view of political toleration and legitimacy, and its view that a justification of principles of political justice should be based on good or public reasons and avoid public dogma. I argue that the public justification to which political liberals appeal builds on a thick, unvindicated, but controversial conception of reasonableness. (I summarise what I take to be the content of that conception in I.14.) This conception marks both a starting point for public justification and something that from the outset, i.e., prior to further justification, restricts public justification's scope: on political liberalism's picture, public justification amounts to a justification of principles of political justice to people who are reasonable in a thick and unvindicated sense – even though these principles claim authority for other people as well.[17]

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[17] In part I, I address political liberalism not as something that may simply be equated with the views of the later Rawls (even though he advances an influential and exemplary brand of political liberalism), but as a composite of closely related views or theories. I do this as I aim to address distinctive, general features of political liberalism, or of what the later Rawls, Macedo and Larmore refer to as political liberalism, rather than specific features of one, e.g., Rawls's, brand of political liberalism. Now I shall in effect suggest that the role the notion of reasonableness plays in political liberals' view of public justification, and, in particular, the content they build, or are

Political liberals advance a particularist form of constructivism because they accept constructivism, but do not accept the ideas of justificatory universalism and normative minimalism. Now, I take it, it is plausible to claim that they should include people who are not reasonable in their substantial, thick sense in public justification's scope, and that they should hence publicly justify why one should be reasonable in their sense in the first place (the latter would imply that public justification should start from a view of reasonableness that is thin enough to at least initially, i.e., prior to further justification, qualify people who are not reasonable in political liberalism's sense as reasonable). One issue that is raised here, however, is whether this claim can be defended on constructivist grounds. My discussion in part II – IV, then, aims at two things: it aims at a case against political liberalism's particularism; and it seeks to examine whether a satisfactory constructivist case can be made against that brand of particularism.

Part II.A argues that a satisfactory, universalist constructivist case against political liberalism's particularism would have to be a *higher-order* constructivist case. Such a case would have to apply (C) to views of the nature of first-order practical reasoning, including reasoning about principles of political justice, and to show at least that such reasoning must be more inclusive in scope than political liberals suppose. As a constructivist case that includes political liberals in its scope, however, it would have to show this *without* tacitly or openly supposing, relying on, or arguing from views that political liberals are from the outset committed to reject. Rather than supposing anything to the effect that particularism is unreasonable, and, on this basis, detailing why it is unreasonable, such a case would have to establish why first-order practical reasoning should not

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committed to build, into that notion, is part of what marks such distinctive, general features. As we shall see, this runs counter to what political liberals, perhaps with the (partial) exception of Macedo, tend to say about public justification. Still, I shall claim that political liberals have reasons to accept my interpretation. After providing an initial sketch of political liberalism's view of public justification, then, I shall examine how individual political liberals construe public justification: this will show why they have reasons to accept my interpretation, and why it targets distinctive, general features of political liberalism. Once this is in place, I shall broaden the scope of my interpretation by addressing some of Rawls's, Macedo's and Larmore's views that I shall then take to be exemplary for political liberalism as a whole. This, I hope, will strike an acceptable balance between due depth and due scope.

be construed in particularist terms *in the first place*. (Much of my discussion in parts III and IV highlights, and trades on, problems involved in meeting this requirement.)

In several of her writings, O'Neill has advanced constructivist arguments that aim to establish that first-order practical reasoning should be construed in universalist and constructivist, or, as she puts it, in 'Kantian' or 'critical' terms. These arguments profess to proceed from premises that everyone for whom such a view of practical reasoning claims authority could, and even must, accept – including political liberals. My subsequent discussion addresses these arguments. To set the stage for that, part II.B introduces relevant aspects of O'Neill's approach, and brings out what, in her view, would be wrong with political liberalism. To this end, I examine what initially appears to be her key objection against what she calls 'Platonist', including realist and perfectionist, and 'instrumental' and particularist conceptions of first-order practical reasoning. This objection fails as a general objection against these views of first-order practical reasoning. Yet once the reason why it fails as such a general objection comes to the fore, a specific, and at least initially promising objection against political liberalism emerges.

O'Neill's objection against political liberalism has two aspects. The first concerns the *structure* of practical reasoning and in effect targets political liberalism's contextualism. The second concerns the *scope* of practical reasoning and in effect targets political liberalism's particularism. Part III examines the first aspect. As part I shows, political liberals adopt, or are committed to adopt, a contextualist view of justified belief that would imply that they may claim the principles of political justice that they advocate to have authority, and, more generally, the property of being publicly justifiable to confer authority, even though public justification draws on a thick and unvindicated, but controversial view of reasonableness. O'Neill implies that political liberals may not claim these principles to have authority unless their view of reasonableness is shown to be justifiable to, or, in her terms, 'followable' by, the relevant others. (II.7, II.10 and III.2 elaborate on O'Neill's idea of 'followability'.) Contrary to what she at first sight suggests, though, O'Neill has reasons to concede that practical reasoning is contextual in structure. This would commit her to concede that political liberals may rely on their unvindicated view of reasonableness if (and where) this view is

not in need of justification. It is evident that O'Neill believes that this view of reasonableness is in this need. However, she does not suitably defend that it is in this need: in its own right, the first aspect of her objection against political liberalism does not achieve its aim.

Part IV examines the second aspect of that objection, and thus addresses O'Neill's view of the scope of practical reasoning. O'Neill argues that agents are locally incoherent, and in this minimal sense unreasonable, if they do not include in the scope 'of reason or of ethical consideration' at least all others with whom or on whom they take themselves to interact or act. (An ambiguity in her notion of the scope 'of reason or of ethical consideration' is identified in IV.1; I disambiguate this notion by distinguishing between 'moral concern' and 'discursive respect' in IV.7f.; much of the later sections of part IV trade on what follows once moral concern and discursive respect are distinguished.) If O'Neill can make that case, agents could not reasonably reject the idea that first-order practical reasoning must be (weakly) universal in scope – simply in virtue of what O'Neill takes to be the presuppositions of other-regarding activity. Parts IV.A and IV.B consider several readings of O'Neill's case. I conclude that O'Neill can reach her conclusion, but at the cost of (tacitly) relying on more normative content than she purports to invoke, and that she may hence be understood as (tacitly) supposing a thicker view of reasonableness than she purports to assume. (I summarise what I take to be the content of that view of reasonableness in IV.11.) And while political liberals are from the outset committed to reject some of this content, and hence O'Neill's view of reasonableness, she does not vindicate it. This suggests that the second aspect of O'Neill's objection to political liberalism fails, too.

O'Neill herself draws on (relatively) thick, controversial, but unvindicated threshold tests of reasonableness – though, unlike political liberals, she relies on them not at the level of first-order practical reasoning, but at the higher-order level of reasoning about the nature, including the scope, of first-order practical reasoning. Thus, she faces the problem that the way in which she links constructivism with (weak) universalism might be arbitrary or dogmatic, or else might reflect a controversial conception of the good that agents are at liberty to reject. Against that background, part IV.C more constructively argues that there is another option that would better fit O'Neill's universalist aspirations. If she is to

avoid some form of (higher-order) particularism and to uphold the claim that it would be unreasonable for political liberals not to widen public justification's scope, she must invoke a thin perfectionist case for the normative content that is built into her view of reasonableness. (I indicate features of thin perfectionism in IV.12.) In particular, I shall suggest, O'Neill should defend the idea that it is an important good that agents be interacted with, or acted upon, on the basis of reasons that they could accept, and the idea that this view of the good is right (or correct or true) even if some relevant others could coherently reject it.

Rather than providing a perfectionist case for this view of the good, part IV.C elaborates on it. I examine whether this view of the good is self-defeating in cases where it governs our interactions with people who could not coherently accept it. Such cases, I argue, do not show that this view of the good is self-defeating. Rather, they show that we cannot adhere to a constructivist view of practical reasoning in all cases (or that we cannot adhere to what I shall call a constitutive, as opposed to a consequential, view of discursive respect; such views are initially distinguished in IV.8; I amplify this distinction in IV.13ff.)

Two things follow. First, to suitably defend the link between constructivism and universalism, O'Neill would have to embrace perfectionist arguments, and to qualify, or limit, her constructivism accordingly – in effect at the level of both first-order and higher-order practical reasoning. Second, O'Neill would have to concede that political liberalism's particularism is unreasonable mainly on perfectionist grounds. For if the view of the good in question is right (or correct or true) on perfectionist grounds, her constructivist arguments could be bypassed. It would already follow that it would be unreasonable for political liberals not to predicate their view of public justification, and hence (C), or their version of (C), and several other of their views that underpin or support or flow from that view, on a suitably thin and inclusive view of reasonableness. (As II.2 anticipates, much of the structure of political liberalism's view of public justification, and of several other views that underpin or support or flow from that view, could nevertheless be maintained.)

4. *A remark on method*

A satisfactory constructivist case against political liberalism's particularism

should avoid arguing from or relying on views that political liberals are from the outset committed to reject (I shall say more on this in II.3). This requirement applies not only to the premises such a case argues from or relies on; it also applies at the level of reconstructing and conceptualising political liberalism's particularism in the first place. Thus, such a case should as far as possible reconstruct and conceptualise that brand of particularism as a view that is at least internally coherent – in order to then show why it should be rejected. Part I, accordingly, tries to construe political liberalism as an at least internally coherent view. Now much of what I shall say about political liberalism does not accord with what political liberals at first sight claim about their own views. Where I depart from what they at first sight claim about their own views, however, I shall do so for reasons that political liberals, from their perspective, have reasons to accept – or so I shall claim.

As much as a satisfactory constructivist case against political liberalism's particularism should avoid invoking views that political liberals are from the outset committed to reject, a satisfactory constructivist criticism of O'Neill's arguments against that brand of particularism should avoid invoking views that *O'Neill* is from the outset committed to reject. Now I have already indicated that my discussion for the most part adopts a constructivist point of view. Thus, I shall as far as possible argue from views and appeal to aims that O'Neill accepts. Where I go beyond such resources, I seek to rely on assumptions that O'Neill is committed to accept, or would have to accept if she is to reach her own aims, or at least does not have reasons to reject.

This method of argument, which seeks to be both charitable and largely internal in its criticism, comes at the cost of requiring caution in generalising the results of my discussion. After all, if O'Neill, by her lights, has reasons to embrace perfectionism, then, even though her views mark an exemplary form of universalist constructivism, it may or may not be the case that other universalist constructivists, by *their* lights, have similar reasons. I hope, however, that it will emerge that I by and large focus on aspects of O'Neill's views that are symptomatic of universalist constructivist aspirations. At the same time, the cost just referred to seems worth accepting. If we licence ourselves to start from, or from the outset suppose and rely on, non-constructivist, perfectionist assumptions, there might be various ways to argue for the idea that universalist constructivists

should accept perfectionist considerations. Yet if we defend this idea on internal, constructivist grounds, and thus argue from within universalist constructivism, we would make a stronger, and more interesting case for this idea. It would be stronger since it would start from assumptions that universalist constructivists, by *their* lights, have reasons to accept. It would be more interesting since it would show why they, from *their* point of view, have reasons to qualify their opposition to perfectionism, as they end up *depending* on it. To suggest such a case for this idea is part of my overall intention in what follows.

I. Political liberalism and public justification

I. Political liberalism and public justification

1. *Aspects and problems of public justification*

It is best to begin with political liberalism's conception of public justification and two key problems of that conception. Like other liberals, political liberals endorse liberalism's standard conception of legitimacy as moral justifiability: they believe that the exercise of political power is legitimate only if it respects those to whom political principles apply as free and equal people, and that it respects them accordingly only if it follows political principles that are morally justifiable.[18] Distinctive for their own, political approach, however, they add several ideas concerning the kind of moral justifiability that political principles should have which, in conjunction, yield their notion of public justification. Here are four of these ideas.

     1. *The importance of equal respect.* Political liberals believe that the idea of respecting others as free and equal people should dictate the very *form* a moral justification of political principles may take. In their view, theories (or views, accounts or conceptions) of political justice – including the views of justification

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[18] On liberalism's standard conception of legitimacy see Jeremy Waldron's "Theoretical Foundations of Liberalism," *Philosophical Quarterly* 37 (1987). On political principles, see Larmore (1996), 136f. Political liberals converge on the view that political principles, including principles of political justice, are moral principles that are, or can be shown to be, important enough to govern, and be enforced by, coercive power. Accordingly, Rawls construes the political as a sub-set of the moral. See Rawls (1993), 11, 175, 223.

these theories employ or defend, the concepts, standards, and values they invoke, and, not least, the conclusions they advance – must *as a whole* accord with what it takes to respect others as free and equal persons. Accordingly, they ground and shape their view of the sort of moral justification that political principles need by this idea.

2. *Equal accessibility and acceptability, pluralism.* Political liberals assume that a moral justification of political principles can live up to this idea of respect only if it meets the following two demands:

> (PJ1) It should pursue only those aims, and employ only those means, that are equally accessible and acceptable by free and equal people.

> (PJ2) It should acknowledge that free and equal people disagree deeply, permanently and reasonably about 'comprehensive' issues (e.g., conceptions of the good, moral, religious, philosophical and other issues).[19]

Two things should be added. First, while political liberals assume that (PJ1) can be met only if (PJ2) is observed, they construe (PJ1) and (PJ2) as partly independent expressions of what it takes to respect others as free and equal people.[20] Second, I have phrased (PJ1) and (PJ2) in terms of 'free and equal people', thus following the idiom political liberals often prefer in recommending their view of public justification. Yet it would be equally accurate to phrase (PJ1) and (PJ2) in terms of 'reasonable people', thus using the idiom they often prefer when they explain what public justification is. Now political liberals use these notions almost interchangeably. As this conceals problems that I shall turn to later, let me at present simply follow their usage of these notions. Where the

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[19] Political liberals are not always clear about what makes views comprehensive, thus making is difficult to specify whether, and in what sense, they can coherently advocate a priority of the 'right' over the 'good'. I ignore this difficulty here, and refer to the deep and permanent disagreements political liberals refer to – whether they concern views of the good, moral, religious, philosophical or other issues – summarily as 'comprehensive' disputes. On comprehensiveness in Rawls: see Besch (1998), 24-30. For a discussion of political liberalism's notion of 'conceptions of the good': see Joseph Chang, "Legitimacy, Unanimity, and Perfectionism", *Philosophy and Public Affairs* 29 (2000).

[20] Rawls (1993), lectures I, II; "The Domain of the Political and Overlapping Consensus", *New York Law Review* 64 (1989).

following refers to free and equal people, therefore, it implicitly refers to reasonable people.

      3. *Respect for reasonable disagreement.* Political liberals believe that a moral justification of political principles meets (PJ1) and (PJ2) only if its aims and means are equally accessible and acceptable by free and equal people *despite* their reasonable comprehensive disputes. Hence, they argue, such a justification should not engage or take sides in, or seek to resolve such disputes. Instead, they believe, it should meet the following demand:

> (PJ3) A moral justification of political principles should respect
>   reasonable disagreement by arguing from ground that is held in
>   common by free and equal people.

(PJ3) is at the core of political liberalism's view that public justification should follow a 'method of avoidance', be 'tolerant', 'neutral', or politically 'moderate'.[21]

      4. *Reasonable agreement as justificatory.* Political liberals also assume that a moral justification of political principles meets (PJ1) and (PJ2) only if it takes equal accessibility and acceptability to be *genuinely justificatory*:

> (PJ4) A moral justification of political principles should take equal
>   accessibility and acceptability by free and equal people as genuinely
>   justificatory.

Political liberals construe accessibility and acceptability not merely as a desirable consequence or by-product of, say, the independently established correctness or truth of political principles and their reasons. Instead, they assume that it

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[21] Rawls claims that "political liberalism applies the principle of toleration to philosophy itself." (Rawls (1993), 10.) His "method of avoidance" is an early version of this view; see his "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14 (1985). On neutrality: see Larmore (1996), ch.6; Bruce Ackerman, *Social Justice and the Liberal State*, New Haven 1980; "Why dialogue?", *The Journal of Philosophy* 86 (1989); "Neutralities", in Bruce R. Douglass, Gerald M. Mara, Henry S. Richardson (eds.), *Liberalism and the Good*, New York 1990; "Political Liberalisms", *The Journal of Philosophy* 91 (1994). Political liberals disagree about whether and how public justification can be neutral. For Rawls, it is neutral in aims. (Rawls (1993), 191ff.) For Larmore, it is neutral "with respect to controversial conceptions of the good." (Larmore, (1996), 125f.) For Macedo, it is not neutral, but politically 'moderate'. (Macedo (1991), 40f., 69ff., 260ff.)

constitutes the correctness of these principles and their reasons. This reflects that political liberalism's view of public justification is *constructivist*.[22]

It should be added that political liberals do not believe that the authority of political principles depends on their public justifiability *plus* the justifiability of the authority of public justification (e.g., its premises, standards of reasoning, and conclusions) on other, non-public grounds. Political liberals concede that public justification needs some support from the various, conflicting comprehensive views that free and equal people adopt. In their view, though, this support does not add up to, say, an essential confirmation of, or contribution to, the correctness of publicly justifiable political principles. Rather, they take it to be necessary for the *stability* of publicly justifiable political principles, and the institutions these principles govern, or would govern. In this sense, they take public justification to be, as Rawls puts it, 'doctrinally autonomous'.[23]

Now this view of public justification is faced with two problems. Prior to further argument, it is *itself* the subject of reasonable disagreement – assuming that, e.g., perfectionism and moral realism are reasonable views (whether or not they are also true).[24] If that is so, however, and if respecting others as free and equal people asks us to justify political principles in a way that avoids reasonable disagreement, it would follow that a moral justification of political principles may *not* take the form of public justification. Hence, public justification would be self-

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[22] See Rawls (1993), 89-129; Macedo (1991), 45-48. Larmore is exotic here: he adopts (PJ4), but embraces, at least for non-political purposes, a form of realism about reasons. See Larmore (1996), 89-117; "Warum nicht Philosophie?", *Deutsche Zeitschrift für Philosophie* 47 (1999).

[23] Rawls (1993), 98f. Samuel Scheffler, too, believes that, contrary to what Rawls might be taken to suggest, doctrinal autonomy is not a mere matter of how political liberalism can be *presented*. See his "The Appeal of Political Liberalism", *Ethics* 105 (1994), esp. 12f.

[24] Perfectionists often claim that political principles must promote (or reflect) what is 'intrinsically' good, or what promotes human perfection, given human nature, while implying that the truth of views of the good, or of what contributes to human perfection, does not derive from reasonable agreement. They hence reject political liberalism's constructivism. Moral realists reject constructivism, too, but they might not follow perfectionism's other views. On perfectionism: see Vinit Haksar, *Equality, Liberty and Perfectionism*, Oxford 1979, chapter 1; George Sher, *Beyond Neutrality*, Cambridge 1997, esp. 8ff.; Chan "Legitimacy, Unanimity, and Perfectionism". I shall come back to perfectionism in part IV.C, below.

defeating. Thus, political liberals are faced with the problem that the ideas that yield their view of public justification seem to undermine that very conception of justification: what gives rise to this conception, it seems, simultaneously rules out justifying political principles along its lines.

Here is the second problem. I have already indicated that political liberals use the notions 'free and equal people' and 'reasonable people' almost interchangeably. Focusing now on the latter notion, political liberals often purport to make only minimal, normatively thin assumptions about reasonableness. For instance, Larmore recently claimed that 'reasonableness' refers to no more than "the free and open exercise of the basic capacities of reason."[25] If public justification really supposed such a minimal notion of reasonableness, it would be unclear how it could yield liberal conclusions, given its commitment to avoid reasonable disagreement.[26] For there is a sense in which anti-liberals (e.g., amoralists, egoists, Nazis, religious fundamentalists, racists, ethnicists, but also act-utilitarians) 'freely' and 'openly' exercise 'the basic capacities of reason', if by that we do not mean something that smuggles in liberal commitments or purposes guiding our reasoning, but, say, a voluntary, more or less informed and at least locally coherent exercise of inferential reasoning and judgement. Public justification would hence have to avoid any premise that informed and locally coherent anti-liberals would reject (in fact, it could not even appeal to the premise that we should respect other people). And it is simply mysterious how it could then lead to liberal principles of political justice, or indeed to any (widely acceptable) moral conclusions at all.[27]

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[25] Larmore, "The Moral Basis of Political Liberalism", *The Journal of Philosophy* XCVI (1999), 602f.

[26] Unlike Larmore and Rawls, Macedo openly draws a thick picture of reasonableness in his account of 'liberal virtues'. See Macedo (1991), 254-85. Yet this seems to conceive of reasonableness by the light of the *results* of public justification. Reasonableness in this, say, *justification-relative* sense largely amounts to a disposition to follow publicly justifiable political principles. What is relevant here, however, is the notion of reasonableness political liberals appeal to in explaining how such principles should be justified *in the first place* – i.e., their, say, *justification-constitutive* notion of reasonableness. And in the part of his book that outlines what public justification is, Macedo argues as if reasonableness was thinner in content. See *ibid*. 39-77.

[27] The attempt to base principles of political justice on the mere premise of a 'free' and 'open' exercise of 'the basic capacities of reason' would remind one of Richard M. Hare's attempt

There is nothing in political liberalism that duly addresses these two problems. Yet we should not conclude that political liberalism is incoherent. Instead, we should take the fact that it is faced with these problems without duly addressing them as something that reflects, and that can help to bring to light, *tacit suppositions* – thus employing this fact not as a reason to reject political liberalism, but as a *hermeneutical tool*. This is what I shall do here. I shall adopt the interpretative hypothesis that political liberals avoid these problems, and suggest a reading of Macedo's, Rawls's and Larmore's accounts of public justification, and of views that underpin or flow from these accounts, that shows how they avoid them. This interpretative approach abides by a maxim of charity, widely conceived, or what I have called elsewhere the strategy of 'critical hermeneutics'.[28] Taking this interpretative approach ensures that political liberals have reasons to accept the reading of their views that I shall suggest: rejecting it would leave them with the two problems just mentioned.[29]

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My discussion comes in three parts. Part A focuses on the scope of public justification and takes first steps to determine what views people must endorse in order to be included in that scope. Political liberals, I shall suggest, avoid the two mentioned problems through a two-fold manoeuvre. First, they include only reasonable people in the scope of public justification. Second, they construe

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to base substantive moral principles on the logic of moral language, (non-moral) facts, and prudence. And even if there was a way to argue, e.g., a Nazi into adopting (liberal) principles of political justice on the basis of whatever it takes to 'freely' and 'openly' exercise 'the basic capacities of reason', the arguments necessary here would not escape reasonable disagreement – as Hare's approach, its scope and complexity, and the various ways in which it remained controversial illustrates. See Hare (1981); D. Seanor, N. Fotion (eds.), *Hare and Critics*, Oxford 1988.

[28] Besch (1998), 12f.

[29] In his "Contractarianism, Liberal Neutrality, and Epistemology", *Political Studies* 47 (1999), Simon Clarke in effect argues that political liberalism, as it is the subject of reasonable disagreement, must be rejected as incoherent. Yet this conclusion is too quick. Clarke overlooks that political liberals employ a conception of reasonableness that allows them to *avoid* this problem.

people as reasonable only if, amongst other things, they are overridingly committed to public justification and to certain abstract liberal ideas: namely, that citizens should enjoy some set of basic rights, liberties, and opportunities; that these rights, liberties, and opportunities should enjoy some sort of special status; and that citizens should enjoy some means to make use of these rights, liberties, and opportunities. These ideas are liberal in *type* and need to be specified or concretised by token principles of political justice: the former set the frame the latter fill out.[30] However, public justification does not seek to justify why people should be reasonable in this sense. Instead, it simply supposes the authority of this standpoint of reasonableness, and seeks to specify or concretise what token political principles people who are reasonable in this sense can accept. Nevertheless, political liberals believe, publicly justifiable political principles may also claim authority for people who are not reasonable in their sense.

Part B deepens these results by relating them to political liberalism's alleged 'neutrality', its view of political toleration and political legitimacy, and its aim of grounding political principles on good (or public) reasons. It thereby anticipates some attempts to internally criticise political liberalism: after all, its view of public justification seems inconsistent with the *inclusivity* that, it would seem, its commitment to political toleration, political legitimacy, and the aim of grounding political principles on good reasons asks for. And yet, we shall see, attempts to internally criticise political liberalism by arguing from these demands and this aim fail. Part C, finally, looks at political liberalism's aim to avoid "public dogma."[31] In simply supposing, but not establishing, its controversial view of reasonableness, political liberalism seems dogmatic. Yet, I shall argue, political liberals suppose a view of justified belief that allows them to avoid this charge of dogmatism. For, from their point of view, unreasonable objections to reasonable views do not put the latter in need of justification: for political liberals, then, the need to justify their view of reasonableness does not arise in the first place – even though it is controversial. As part B and C shed further light on political liberalism's view of reasonableness, I shall only at the end of part C specify what I take to be the content, or part of the content, of that view.

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[30] Calling these abstract moral ideas *liberal* draws on Rawls's substantive notion of 'liberalism'. See Rawls (1993), 223, 6, 175, and below.

[31] Macedo (1991), 58.

We owe the current idea of a constructivist, 'political' form of liberalism to Rawls. However, Macedo is most explicit about political liberalism's restriction of the scope of public justification to reasonable people, and coined the helpful term 'threshold test of reasonableness' that I shall often use here. Let me therefore start with Macedo.

A. Threshold tests of reasonableness

2. *Macedo*

Macedo grounds public justification in, and shapes it by, "our commitment to respecting the freedom and equality of persons."[32] Public justification hence addresses free and equal people. And it follows only those aims, and employs only those means, that are consistent with respecting others accordingly. Macedo says:

> At the most basic level public justification has dual aims: it seeks reflective justification (good reasons) but it also seeks reasons that can be widely seen to be good by persons such as they are. (...) [B]y pursuing [these aims] together we respect not only the goodness of good reasons, but also the freedom and equality of citizens whose capacity for reason is limited and who espouse widely divergent comprehensive views. Indeed, the goodness of good reasons, for a public moral theory, becomes entirely a function of their capacity to gain widespread agreement among reasonable people moved by a desire for reasonable consensus.[33]

Public justification aims at reasonable agreement on the basis of good reasons, and conceives of such agreement as "genuinely justificatory."[34] However, Macedo implies, the commitment to respecting others as free and equal people asks us to not construe the goodness of good reasons as deriving from standards that are independent from, or assigned authority prior to, reasonable agreement. Instead, Macedo believes, public justification should take the goodness of good reasons to be "entirely" a function of reasonable agreement itself.

Public justification also acknowledges that free and equal people disagree deeply, permanently and reasonably about 'comprehensive' views (e.g., conceptions of the good, moral, philosophical, religious and other issues). It hence seeks to argue from ground that is common between reasonable people *despite* their disagreements about such views. "The aim of liberal public

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32 *Ibid.*, 50; cp. 45.

33 *Ibid.*, 46f.; cp. 41, 44, 50.

34 *Ibid.*, 44.

justification," Macedo writes, "is to respect diversity while forging a framework of common moral principles that all can understand, accept, and openly affirm before one another."[35] But the only way to achieve such a framework "while accepting the deep and permanent fact of pluralism is by putting aside not only the personal interests and religious beliefs, but also some philosophical and moral convictions that other reasonable people will reasonably disagree with." Two things are worth noting now. First, Macedo does not argue that public justification should not invoke comprehensive views since these views are comprehensive. Instead, he argues that since public justification should not invoke views that are subject to *reasonable disagreement*, public justification should not rely on comprehensive views – for, he believes, such views are subject to such disagreement. Second, Macedo takes the attempt to avoid reasonable disagreement to be not only a means to the end of reasonable agreement, but also a direct expression of respect for free and equal people, or their conscientious exercise of their powers of reasoning and judgement. For, typically for political liberals, Macedo assumes that their conscientious exercise of these powers does not necessarily lead them to agreement.[36]

The above illustrates that Macedo explains public justification by (openly or tacitly) referring to two kinds of people: free and equal people, and reasonable people. Public justification respects free and equal people, yet it aims at reasonable agreement, or agreement between reasonable people, seeks to avoid reasonable disagreement, or disagreement between reasonable people, and tries to employ reasons reasonable people can accept.[37] But could there not be free and equal people who are not reasonable in whatever sense Macedo has in mind? For Macedo, this is not so. He frankly admits that political liberalism respects as free and equal people only those who are reasonable:

> While acknowledging pluralism we (...) respect as free and equal moral
> beings all those who pass certain threshold tests of reasonableness: we

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[35] For this and the following quotation: see *ibid.*, 69f.

[36] *Ibid.*, 48f.

[37] To conceive of reasonable agreement (or reasonable disagreement) as agreement (or disagreement) between reasonable people draws on Rawls's usage of the term 'reasonable'. See I.3.

respect those whose disagreement with us does not impugn their reasonableness.[38]

We respect persons and views that we regard as reasonable.[39]

Here is what this suggests. While public justification addresses free and equal people, it respects as free and equal people only those who pass "certain threshold tests of reasonableness," or "whose disagreement with us does not impugn their reasonableness." This "us," it is safe to assume, refers to the perspective of the reasonable. For political liberals, being reasonable is a matter of being ascribed reasonableness by the reasonable. Hence, only reasonable people – i.e., people whom the reasonable acknowledge as reasonable – are included in the scope of public justification.

Yet Macedo wrote that public justification "seeks reflective justification (good reasons) but it also seeks reasons that can widely be seen to be good by persons such as they are." This might seem more inclusive than the conclusion just drawn would permit: the phrase 'reasons that can widely be seen to be good by persons such as they are' does not, at least not openly, refer only to reasonable people. However, Macedo supposes that some people are reasonable in his sense. And he adopts a constructivist view of justification. Thus, his answer to the question '*What* reasons are good reasons?' depends upon his answer to the question '*For whom* must these reasons be acceptable as good reasons?'. If public justification seeks good reasons, then, it seeks reasons that are acceptable as good reasons from the perspective of *the relevant others* – and the relevant others, in turn, are the people public justification includes in its scope. Now passing political liberalism's threshold tests of reasonableness is a condition of inclusion in that scope. Hence, for political liberalism, reasons are good if they are acceptable as good reasons by, again, *reasonable people*:

> Public justification regards certain kinds of reasons as politically
> authoritative: moral reasons that can be openly presented to others,
> critically defended, and widely shared by *reasonable people*. The reasons
> must be impersonal or *moral*: good reasons for others as well as oneself, not

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[38] *Ibid.*, 47.

[39] *Ibid.*, 71.

mere references to narrow interests or self-interest. They must be *general* reasons, ones we are prepared to extend to relevantly similar cases. The reasons must be *public* in the sense of being widely and openly accessible (...). Public justification must, finally, be *critical* in that objections have been sought out and *reasonable* alternatives confronted or anticipated.[40]

Political liberalism's good reasons are moral, general and public, but they are reasons for reasonable people. This is the upshot of Macedo's claim that, for political liberalism, the goodness of good reasons "becomes entirely a function of their capacity to gain widespread agreement among reasonable people moved by a desire for reasonable consensus." It follows that public justification takes some reason, R, to be a good reason even if the unreasonable reject R. In this sense, we may say, political liberalism's good reasons need be good reasons for reasonable people only.[41]

However, what kind of disagreement would 'impugn one's reasonableness'? That is, what would it take to fail political liberalism's threshold tests of reasonableness? Unfortunately, Macedo does not give a clear and detailed answer. Conceptually speaking, though, disagreement would 'impugn one's reasonableness' if it concerned at least two sets of views: first, whatever views, if any, reasonable people take to be the views that reasonable people cannot reject (or *reasonably unrejectable* views, for short), and second, whatever views, if any, reasonable people take to be the views reasonable people cannot accept (or *reasonably unacceptable* views).[42] Public justification, therefore, is a justification between people who neither reject what is reasonably unrejectable, nor accept what is reasonably unacceptable.

Now Macedo implies that some views *are* reasonably unrejectable. On the one hand, he takes the views by which he grounds and shapes public justification to have that status. For suppose that he believed that the following views are not only rejected by some people, as they are, but are rejected reasonably: that a justification of political principles should aim at reasonable agreement; that such agreement justifies; that the goodness of good reasons is entirely a function of

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[40] *Ibid.*, 46. First and last italics are mine.

[41] I shall come back to political liberalism's notion of good (public) reasons in I.9.

[42] Again, this draws on Rawls's usage of the term 'reasonable'. See I.3.

reasonable agreement; that a justification of political principles should avoid comprehensive disputes; or, not least, that respecting the freedom and equality of people asks us to accept these things. Now, for Macedo, public justification should not rely on views that are subject to reasonable disagreement. It would follow that it should not rely on these views. Hence, it would be self-defeating. Macedo, then, must take the views by which he grounds and shapes public justification to be reasonably unrejectable.

On the other hand, Macedo also takes other, more substantive views to have that status. If some reasonable people rejected whatever liberal content public justification must rely on to establish liberal principles of political justice, public justification, while not being self-defeating, could not establish such principles. Now he appears to take it that public justification has enough content to draw on to establish such principles. Accordingly, he implies that public justification draws on "a general commitment to liberal principles,"[43] and insists that public justification respects reasonable disagreement, "but does not abandon substantive liberal values."[44] It is not clear exactly what values this refers to. Yet, I suggest, we should read Macedo as referring to several ideas at the core of a liberal democratic regime: that citizens should enjoy some set of basic rights, liberties, and opportunities; that these rights, liberties, and opportunities should enjoy some sort of special status; and, not least, that citizens should enjoy some means to make use of these rights, liberties, and opportunities.[45] If these ideas are reasonably unrejectable, they would mark common ground between all people who are included in the scope of public justification. Hence, public justification could draw on liberal content in establishing liberal principles of political justice – without running up against its own commitment to avoiding reasonable

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[43] *Ibid.*, 50.

[44] *Ibid.*, 52.

[45] This, I take it, is in the background when Macedo writes: "Liberalism (...) rules out certain conceptions of the good: any that entail the violation of liberal rights. And liberalism positively requires that everyone's scheme of values include certain features: respect for the equal rights of others; a willingness to persuade rather than coerce, the subordination of personal plans, projects, and desires to impersonal rules of law, and a contribution to the provision of public goods" (*ibid.*, 259). We may add that in taking these views to be reasonably unrejectable, Macedo takes reasonable people to *overridingly* endorse them. Cp. *ibid.*, 53.

disagreement. This suggests that Macedo construes these ideas as reasonably unrejectable. Not rejecting these ideas, then, is part of what it takes to pass political liberalism's threshold tests of reasonableness.

Accordingly, public justification does not seek to show why political principles should be publicly justifiable, or why the abstract liberal ideas just mentioned should be accepted. Instead, it takes the authority of these things for granted in supposing, and not establishing, that one should be reasonable in political liberalism's sense. Thus, the true job of public justification can only be to specify or concretise what token political principles reasonable people can accept.

Finally, Macedo sometimes suggests that political liberals should seek acceptance for principles of political justice – or, as he puts it, the principles of a public morality – by the unreasonable as well. This is consistent with his view of public justification only if he assumes that these people are *not* addressed in the mode of public justification. Accordingly, Macedo claims that while the unreasonable should be addressed – or be 're-engaged' – they should be addressed only *after* the framework of public justification is in place and the principles of a public morality are established.[46] In 're-engaging' the unreasonable, then, the authority of these principles is *supposed* and not called into question. 'Re-engaging' the unreasonable hence comes down to little more than introducing them to principles that claim authority *whether or not* they can accept them. In fact, if they reject these principles, this would merely confirm their unreasonableness – so that, say, more education or training must be done. Thus, the threshold tests of reasonableness are still in place; they still restrict the scope public justification.

3. *Rawls*

For Rawls, the exercise of political power is politically legitimate only if it respects others as free and equal people. But to achieve this, he claims, it must follow publicly justifiable political principles.[47] Public justification is a moral

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[46] *Ibid.*, 61ff.

[47] Cp. Rawls, "Justice as Fairness: Political not Metaphysical"; Rawls (1993), lectures I and IV. For a detailed account of Rawls's account of political legitimacy: see Besch (1998), 87-

justification that aims at reasonable agreement and construes such agreement as genuinely justificatory. Yet, Rawls observes, free and equal people endorse deeply and permanently conflicting reasonable comprehensive doctrines (e.g., reasonable conceptions of the good, moral, religious, philosophical, and other views). And, he insists, public justification cannot reach reasonable agreement unless it argues from ground that is common between free and equal people *despite* their reasonable comprehensive disputes. Hence, he concludes, it must argue from ground that is subject to an 'overlapping consensus' between reasonable comprehensive doctrines.[48] We may take this to imply two things. First, public justification addresses, or includes in its scope, reasonable comprehensive doctrines. Second, it may not rely on views that the comprehensive doctrines that it includes in its scope reject.

Rawls's official definition of a reasonable comprehensive doctrine comes down to this:

> (R1) A comprehensive doctrine, *S*, is reasonable if, and only if, (i) *S* is more or less consistent and coherent, (ii) *S*'s values are more or less structured, and (iii) *S* is a more or less stable body of thought that nevertheless can evolve over time.[49]

Now (R1) fails Rawls's own purposes. Comprehensive doctrines can satisfy (i), (ii), and (iii), but reject, e.g., that we should respect the freedom and equality of people; that the justification of political principles should avoid comprehensive disputes; that reasonable agreement justifies; or whatever liberal content public justification must rely on to establish liberal principles of political justice. Nazis and religious fundamentalists advance, or can advance, views that meet (i), (ii), and (iii), but reject liberal content. 'Perfectionist' or 'comprehensive' forms of liberalism meet (i), (ii), and (iii), but reject, or can reject, that a moral justification of political principles should avoid comprehensive disputes and that reasonable agreement justifies. Hence, public justification would be self-defeating and, it

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93, 131-136. See also I.8, below.

[48] Rawls, "The Domain of the Political and Overlapping Consensus"; Rawls (1993), lectures II, IV. I discuss Rawls's arguments from 'overlapping consensus' in Besch (1998), 15-68, 109ff.

[49] Rawls (1993), 59.

seems, could not establish liberal principles of political justice.[50]

However, Rawls gets around this problem. As I read his post-1985 writings, he generally abides by the following rule:

> (R2) *S* (e.g., a view, comprehensive doctrine, set of beliefs, conception of justice, agreement, disagreement) is reasonable if, and only if, *S* is acceptable by reasonable people.[51]

Given (R2), comprehensive doctrines are reasonable if, and only if, they are acceptable *by reasonable people*: their reasonableness ultimately derives from their acceptability by reasonable people.[52] In addressing reasonable comprehensive doctrines, therefore, public justification indirectly addresses reasonable people. In indirectly addressing reasonable people, however, it addresses people who, amongst other things, are overridingly committed to public justification and certain abstract, broadly liberal views. Accordingly, Rawls "*supposes* that a reasonable comprehensive doctrine does not reject the essentials

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[50] This is the upshot of Jean Hampton's criticism of Rawls: see her "The Moral Commitments of Liberalism" in David Copp, Jean Hampton, John R. Roemer (eds.), *The Idea of Democracy*, Cambridge 1993, and her "Should Political Philosophy Be Done Without Metaphysics?", *Ethics* 99 (1989).

[51] Leif Wenar's "*Political Liberalism*: An Internal Critique", *Ethics* 106 (1995), makes a related claim about Rawls's usage of the term 'reasonable'. Paul F. Campos overlooks (R2) when he claims "that Rawls's analysis of political issues amounts to little more than the shamanistic incantations of the word 'reasonable'." See his "Secular Fundamentalism", *Columbia Law Review* 94 (1994), 1816. Once (R2) is recognised, it becomes clear that much of what Rawls says about what is, and what is not, reasonable is an *explication of his conception of reasonableness* – as opposed to something that is not entailed by this conception, and that political liberalism must, from its own point of view, establish to be reasonable (or unreasonable) by means of substantive arguments. Not least, it should be added that Rawls sometimes uses the term 'reasonable' comparatively. Given (R2), this could be analysed as follows: A is more reasonable than B if, and only if, (i) A and B are acceptable by reasonable people, and (ii) reasonable people, if they have to choose between A and B, would prefer A. Rawls's usage of 'reasonable' bears some similarities to the logically attributive moral usage of 'good'. On the latter, see Peter T. Geach, "Good and Evil", *Analysis* 17 (1956), and Hare, "Geach: Good and Evil", *Analysis* 18 (1957).

[52] (R2) entails (R1) in conjunction with the assumption that reasonable people only accept comprehensive doctrines that have the features that (R1) indicates.

of a democratic regime."[53] Rawls never clearly specifies what these 'essentials' are. Yet, again, I submit, they are, or include, ideas at the core of a liberal democratic regime: namely, that citizens should enjoy some set of basic rights, liberties, and opportunities; that these rights, liberties, and opportunities should enjoy some sort of special status; and, not least, that citizens should enjoy some means to make use of these rights, liberties, and opportunities. Add to this the assumption that public justification addresses reasonable comprehensive doctrines *only*. If these things are supposed, public justification would not be self-defeating; and it could rely on liberal content in justifying liberal principles of political justice. For, in only addressing reasonable people, public justification would only address people who are overridingly committed to public justification and the abstract, broadly liberal ideas just indicated.[54]

The assumption that public justification only addresses reasonable people finds further support if we consider what Rawls says about *unreasonable* comprehensive doctrines. If comprehensive doctrines are reasonable if, and only if, they are acceptable by reasonable people, whoever knowingly endorses unreasonable doctrines must be unreasonable. If that is right, Rawls's way to go about unreasonable comprehensive doctrines specifies how he goes about unreasonable people. Says Rawls:

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[53] Rawls (1993), xvi. Italics are mine.

[54] This implies that, for Rawls, disagreement about these abstract liberal ideas cannot be reasonable. This might seem inconsistent with his view of reasonable disagreement: at first glance, he suggests that disagreement is reasonable if, and only if, it is caused by the 'burdens of judgement'. Now these burdens are "the many hazards involved in the correct (and conscientious) exercise of our powers of reasoning and judgement in the ordinary course of political life." (*Ibid*., 55f.) One 'burden' – which, Rawls thinks, suffices for his purposes – he states as follows: "Often there are different kinds of normative considerations of different force on both sides of an issue and it is difficult to make an overall assessment." (*Ibid*., 57.) And this cannot provide Rawls's criterion of the reasonableness of disagreement. For it leads back to the above problem: disagreement about, e.g., the demands of public justification and the authority of liberal values, rights, liberties, and opportunities can be caused by that burden. We should hence understand the 'burdens of judgement' as explaining how reasonable disagreement – which is identified as reasonable on other grounds – comes about. Rawls's criterion of reasonable disagreement surfaces when he writes: "Let's say that reasonable disagreement is disagreement between reasonable persons." (*Ibid.*, 55.) See also Besch (1998), 56-62.

> [A] society may also contain unreasonable and irrational, and even mad, comprehensive doctrines. In their case the problem is to contain them so that they do not undermine the unity and justice of society.[55]

Rawls does not elaborate on what it means to "contain" unreasonable doctrines. It certainly does not ask political principles to be justifiable by arguing from ground that unreasonable comprehensive doctrines do not reject. Rather, it means, or involves, to override, browbeat, or ignore unreasonable comprehensive doctrines *without* justifying to their proponents that their doctrines may be treated accordingly. It seems, then, that public justification does *not* address unreasonable comprehensive doctrines. By implication, it does *not* address unreasonable people. Hence, public justification addresses, and so includes in its scope, reasonable people *only*.

Rawls's restriction of the scope of public justification to reasonable people is already in the background when he writes:

> Justice as fairness [i.e., Rawls's version of political liberalism] aims at uncovering a public basis of justification on questions of political justice given the fact of reasonable pluralism. *Since* justification is addressed to others it proceeds from what is, or can be, held in common; *and so* we begin from shared fundamental ideas implicit in the public political culture in the hope of developing from them a political conception that can gain free and reasoned agreement in judgement, this agreement being stable in virtue of its gaining the support of an overlapping consensus of reasonable comprehensive doctrines. These conditions suffice for a reasonable political conception of justice.[56]

Observe that Rawls draws on an inference from "[*s*]*ince* justification is addressed to others, it proceeds from what is, or can be, held in common" to "*and so* we begin from shared fundamental ideas implicit in the public political culture." Rawls supposes that his 'fundamental ideas' – i.e., views (e.g., of the freedom and equality of people, society, and justification) that support a liberal view of political justice, and that Rawls relies on in laying out his brand of political

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55 Rawls (1993), xvif.

56 *Ibid.*, 100f.; my italics.

liberalism – are shared, though perhaps not always in a clear and self-transparent manner, by everyone included in the scope of public justification. And, on the above interpretation, he supposes this because he supposes (i) that public justification only addresses reasonable people, and (ii) that reasonable people endorse, though perhaps not always in a clear and self-transparent manner, his 'fundamental ideas.' If, by contrast, public justification included in its scope everyone to whom political precepts apply, including Nazis and religious fundamentalists, it would be more intelligible to infer that since public justification proceeds from what is, or can be, held in common, it *may not* start from these 'fundamental ideas.'[57]

In short, then, public justification is not self-defeating and can rely on liberal content in the justification of political principles since, yet again, it only includes reasonable people in its scope, and from the outset – i.e., prior to publicly justifying anything – supposes that reasonable people overridingly endorse commitments that suitably support public justification and liberal conclusions. Again, we reach the conclusion that the task of public justification is to specify or concretise what token principles of political justice people who are reasonable in this substantive sense have reasons to accept: these commitments set a frame these principles have to fill out.[58]

Finally, Rawls has argued that political liberalism should address the unreasonable by arguing from 'conjecture'. We argue from conjecture only if "we argue from what we believe, or conjecture, are other people's basic doctrines, religious or secular, and try to show them that, despite what they might think, they can still endorse a reasonable political conception that can provide a basis for public reason."[59] Now while he implies that arguments from conjecture are not

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[57] One of Rawls's 'fundamental ideas' is his conception of a reasonable person itself. See *ibid.*, 29-35. Given (i) and (ii), then, Rawls can consistently draw on this conception in public justification.

[58] Jean Hampton overlooks this in her "The Moral Commitments of Liberalism." In fact, Rawls's approach to the reasonableness of comprehensive doctrines renders his arguments from 'overlapping consensus' redundant. His premise of reasonableness – which, in specifying between what sort of comprehensive doctrines an 'overlapping consensus' should be sought, is prior to these arguments – does all the work. See Besch (1998), 47-68.

[59] Rawls, "The Idea of Public Reason Revisited", *The University of Chicago Law Review* 64 (1997), 786.

part of public justification, it is not clear whether he takes such arguments to be an essential part of the justification of principles of political justice. Yet, I submit, Rawls does not confer that status to them. He does not claim that a 'reasonable political conception' of justice may claim authority if, and only if, it is (i) publicly justifiable to the reasonable *and* (ii) justifiable to the unreasonable in terms of arguments from conjecture. Rather, he believes that a 'reasonable political conception' of justice earns all the authority it needs if it is publicly justifiable to the reasonable. Thus, if the unreasonable, after being addressed by arguments from conjecture, do not finally accept principles of political justice that are justifiable to reasonable people, this would simply confirm their unreasonableness. Arguments from 'conjecture', then, are attempts to persuade or convince the unreasonable that they have reasons not to reject principles of political justice that claim authority *whether or not* the unreasonable overcome their hesitation to accept them.

4. *Larmore*

Larmore develops his view of public justification by appealing to a 'norm of equal respect' and a 'norm of rational dialogue'. Consider first Larmore's norm of equal respect. Larmore says:

> What is prohibited by the norm of equal respect is resting compliance only on force. (...) If we try to bring about conformity to a political principle simply by threat (...) [w]e will not also be treating [persons] as ends, engaging directly their distinctive capacity as persons [i.e., their capacity of thinking and acting on the basis of reasons]. (...) To respect another person as an end is to insist that coercive or political principles be as justifiable to that person as they are to us. Equal respect involves treating in this way all persons to which such principles are to apply.[60]

> We (...) treat others as having the same right as *free and equal citizens*, only if we assume that the coercive principles we propose as binding on all

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[60] Larmore (1996), 137. See also Larmore (1987), 61-66.

would also be the object of reasonable agreement.[61]

According to Larmore, the exercise of political power respects others as free and equal people only if it follows political principles that are justifiable to all others to whom they apply. The justification of these principles, in turn, must aim at reasonable agreement and, Larmore implies, construe such agreement as genuinely justificatory. Yet, he insists, we cannot reach reasonable agreement unless we suitably acknowledge, and respect, that free and equal people disagree deeply, permanently and reasonably about comprehensive issues. Larmore concludes that the justification of political principles must abide by his norm of rational dialogue:

> In discussing how to solve some problem (for example, what principles of political association they should adopt), people should respond to points of disagreement by retreating to neutral ground, to the beliefs they still share, in order either to (a) resolve the disagreement and vindicate one of the disputed positions by means of arguments that proceed from this common ground, or (b) bypass the disagreement and seek a solution of the problem on the basis simply of that common ground.[62]

In short, to meet the norm of equal respect, the justification of political principles, including principles of political justice, must seek reasonable agreement, construe such agreement as genuinely justificatory, and follow the norm of rational dialogue.

A problem emerges. As it stands, the norm of equal respect requires political principles to be justifiable to *all* others to whom they apply. The norm of rational dialogue, in turn, in effect requires the justification of these principles from ground that is common – or, as Larmore puts it, 'neutral' – between all others to whom, given the norm of equal respect, we owe respect. Public justification hence would have to argue from ground that is common between *all* others to whom political principles apply. Now Larmore's norm of rational dialogue does not ask disputants to retreat to views from which common ground can be established, but to retreat to ground that *is* common between them. Yet

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[61] Larmore (1996), 13.

[62] *Ibid.*, 134f. See also Larmore (1987), 53.

some people reject, e.g., Larmore's norm of equal respect; that the justification of political principles should avoid comprehensive disputes; that reasonable agreement can justify; or whatever liberal content rational dialogue must rely on to establish liberal principles of political justice. Nazis and religious fundamentalists reject Larmore's norm of equal respect and liberal content. Perfectionist or 'comprehensive' forms of liberalism reject, or can reject, his norm of rational dialogue. Hence, public justification would be self-defeating, and, it seems, could not establish liberal principles of political justice.

Larmore is not unaware of this problem. After arguing that public justification should be 'neutral', he writes:

> [T]he argument applies only to the ideal case in which everyone in the society already accepts the norm of rational dialogue and equal respect, and accords them supreme importance. (...) With those who reject the norm of equal respect, or rank their view of the good life above it, we will usually be unable to converge on any political (coercive) principles that are as justifiable to them as to ourselves. (...) The public justification a liberal polity offers for its principles must *presume* that citizens share a form of life that embodies a commitment to equal respect [and, as Larmore adds two sentences later, to rational dialogue].[63]

It is true that some people to whom political principles apply reject the norms of equal respect and rational dialogue. Strikingly, however, Larmore does *not* conclude that public justification is, at present, impossible. But this would have to be the conclusion if the norm of equal respect asks political principles to be justifiable to *all* others to whom they apply, and if, accordingly, the norm of rational dialogue proscribes justifying these principles by arguing from ground some of these people reject.

As long as his norm of rational dialogue is supposed, then, Larmore faces a dilemma. Either public justification is, at present, impossible, or it must be suitably restricted in scope. Larmore implicitly opts for the second horn: his view of public justification should be understood against the background of a restriction of audience. More precisely, he includes only reasonable people in the scope of public justification, and supposes that people are reasonable only if,

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[63] Larmore (1996), 142. Italics are mine.

amongst other things, they are overridingly committed to the norms of equal respect and rational dialogue.[64] Accordingly, the norm of equal respect does not claim that X is owed equal respect if (i) X is a person and (ii) political principles apply to X. What must be added is that (iii) X is reasonable. Thus, this norm does not require political principles to be justifiable to *all* others to whom they apply. Instead, it requires political principles to be justifiable to all *reasonable* others to whom they apply. By implication, the norm of rational dialogue only applies to disagreement between people who are reasonable in Larmore's sense.

On this interpretation, public justification would not be self-defeating. For it would only address people who, amongst other things, are overridingly committed to the norms of equal respect and rational dialogue. Within its scope, therefore, the norms of equal respect and rational dialogue would be common ground. This, I submit, is the upshot of Larmore's claim that public justification *presumes*, i.e., supposes and does not establish, that its addressees share a 'core morality' that assigns supreme importance to equal respect and rational dialogue.

Another remark on Larmore's view of reasonableness. People who overridingly accept the norms of equal respect and rational dialogue might still disagree about whatever liberal content public justification must rely on to establish liberal principles of political justice. The norms of equal respect and of rational dialogue are not rich enough in content to yield such principles. This is evident in the case of the norm of rational dialogue. The norm of equal respect does not add significant content unless additional, substantive assumptions are made about what it takes to respect others as ends, or, say, to protect or support their capacity "of thinking and acting on the basis of reasons."[65] Thus, for public justification to be able to establish liberal principles of political justice, the 'core morality' that public justification supposes, and that it draws upon in only addressing reasonable people, must comprise more than the norms of equal respect and rational dialogue. It must also comprise whatever liberal content public justification must rely on to establish liberal principles of political justice. I hence suggest reading Larmore as supposing that reasonable people are

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[64] See *ibid.*, 11-14, 41-64, esp. 121-74. This is largely on the lines of Macedo's and William A. Galston's criticisms of Larmore: see Macedo (1991), 260ff., and Galston, *Liberal Purposes*, Cambridge 1991, 105-110.

[65] Larmore (1996), 137.

overridingly committed to several ideas at the core of a liberal democratic regime: namely, that citizens should enjoy some set of basic rights, liberties, and opportunities; that these rights, liberties, and opportunities should enjoy some sort of special status; and, not least, that citizens should enjoy some means to make use of these rights, liberties, and opportunities.[66] The task of public justification, then, would not be to justify why people should be committed to equal respect, rational dialogue, and these liberal ideas. Its task would be to suppose and use these ideas in working out, specifying, or concretising, what token liberal principles of political justice people who are reasonable in this substantive sense have reasons to endorse.

Finally, Larmore claims that political liberalism should also address people who *reject* his norms of equal respect and rational dialogue:

> [Political principles] should be justifiable to these people as well, though with the justification premised on the (counterfactual) supposition that they do prize most highly the norms of rational dialogue and equal respect.[67]

This, however, does not imply that Larmore includes unreasonable people in the scope of public justification. There is a difference between (i) seeing Betty as reasonable, and hence assessing political principles by the light of reasons that Betty can accept, and – this is what the passage just quoted suggests – (ii) seeing Betty as unreasonable, but imagining what *would* be acceptable by Betty *if* she were reasonable (which she is not). In the case of (ii), it is not Betty who is included in the scope of public justification. Rather, it is some imagined, *idealised* person, Betty*, that differs from Betty in endorsing a perspective that is purged of whatever makes Betty unreasonable. Any difference between that idealised person and Betty, in turn, would not count against the views Betty disagrees with, but against *her* views: it would underline her unreasonableness. Disagreement with Betty would hence not ask us to retreat to ground yet undisputed by Betty, as long as Betty* would not disagree. The norm of rational dialogue, then, would not

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[66] I have not found direct evidence in Larmore that supports my suggestion. Tellingly, however, neither is there anything in Larmore that details how public justification could establish liberal principles of political justice *without* also supposing these abstract liberal ideas. And yet, Larmore seems confident that rational dialogue can lead to substantive liberal conclusions.

[67] *Ibid*., 142.

apply to Betty. By implication, it seems, the threshold tests of reasonableness still determine the scope of public justification. If that is so, the above passage merely asks those included in the scope of public justification, i.e., reasonable people, to imagine what those not included in that scope, i.e., unreasonable people, would say if they passed the threshold tests of reasonableness.

5. *Conclusion*

Public justification, I have suggested, is not self-defeating and can rely on liberal content as it includes only reasonable people in its scope, and supposes that people are reasonable only if, amongst other things, they are overridingly committed to public justification and several abstract liberal ideas: namely, that citizens should enjoy some set of basic rights, liberties, and opportunities; that these rights, liberties, and opportunities should have some sort of special status; and that citizens should enjoy some means that enable them to use these rights, liberties, and opportunities. Accordingly, public justification does not seek to justify why people should be reasonable in political liberalism's substantive, thick sense (i.e., reasonable$_{PL}$) *in the first place*. Instead, it supposes the authority of reasonableness$_{PL}$ and seeks to specify or concretise what token political principles reasonable$_{PL}$ people can accept. Nevertheless, political liberals assume that publicly justifiable political principles may apply to, or may claim authority for, unreasonable$_{PL}$ people as well. In short, then, they add the following two claims to the above listed views (PJ1) – (PJ4):

>   (PJ5) Political principles, including principles of political justice, need to be publicly justifiable only to reasonable$_{PL}$ people even though these principles apply to, or claim authority for, unreasonable$_{PL}$ people as well.

>   (PJ6) The public justification of these principles does not need to establish, but may take for granted, the content of the notion of reasonableness$_{PL}$.

Let me now relate this result to political liberalism's alleged neutrality, and, more important here, its views of political toleration and political legitimacy, and its

aim of grounding political principles on good (or public) reasons. This will serve two purposes. First, it will deepen the conclusion just reached. Second, it will anticipate some attempts to *internally criticise* political liberalism. After all, political liberalism's restriction of the scope of public justification to reasonable$_{PL}$ people seems to run up against liberalism's long-standing, inclusivist commitment to base political principles, including principles of political justice, on grounds that are acceptable by all those who are subjected to the exercise of political power. In Waldron's seminal terms:

> The thesis that (...) is fundamentally liberal is this: a social and political order is illegitimate unless it is rooted in the consent of all those who have to live under it; the consent or agreement of these people is a condition of its being morally permissible to enforce that order against them.[68]

True, imposing *some* limits or qualifications on liberalism's commitment to argue from widely acceptable grounds might be inevitable – after all, a set of principles of political justice that appeal, not to mention equally appeal, to truly everyone to whom they apply might be an unachievable, merely regulative idea. Yet even if we disagree about the best way to limit or qualify that commitment, we still can, and, I believe, should, agree that the limitations political liberals impose on it are too exclusive. Reasonable$_{PL}$ people already endorse what amounts to an abstract, liberal background morality.[69] But legitimacy and justice for liberals only, it would seem, is no liberal legitimacy and justice at all.

The demands of political toleration, political legitimacy and of grounding political principles on good reasons are often taken to reflect liberalism's inclusivist commitment. Thus, the question arises whether these demands run up against political liberalism's view of the scope of public justification. If that is so, political liberalism would be, on internal grounds, incoherent: as a *liberal* view, it could not be *political* in its peculiar sense. But we shall now see that this is not so. To further confirm the above results, let me start with remarks on political liberalism's alleged neutrality.

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[68] Jeremy Waldron, "Theoretical Foundations of Liberalism", 140.

[69] In this respect, it is tempting to construe political liberalism as 'communitarian'. Cp. Stephen Mulhall, Adam Swift, *Liberals and Communitarians*, 2nd. ed., Oxford 1996, 221f.

B. Neutrality, toleration, legitimacy, good reasons

6. *Neutrality*

Political liberals often aspire to provide a justification of principles of political justice that, in one way or other, is 'neutral' between the comprehensive views free and equal people adopt.[70] Only Macedo joins perfectionist opponents of political liberalism's alleged neutrality. He takes political liberalism's neutrality to be a mere "mirage" since public justification supposes, and draws on, commitments that are not shared by everyone to whom political principles apply.[71] Now while this is right in one relevant respect, Macedo also misses something important. As I shall now explain, there is a sense in which public justification is neutral *because* it includes only reasonable$_{PL}$ people in its scope.

We first need a characterisation of neutrality. I shall restrict my attention to two notions that neutralist political liberals seem to favour, viz. 'neutrality of procedure' and 'neutrality in aims'.[72] Let me suppose, then, that public justification is 'procedurally neutral' if it employs only those means (e.g., premises, methods, standards, or reasons) that are equally accessible and acceptable by all relevant others, and that, accordingly, it is 'neutral in aims' if its aims are equally accessible and acceptable by all relevant others – where, in each case, public justification attaches positive importance to these people, or their views. As this does not specify the class of relevant others, next, I suggest distinguishing further between two ways in which public justification may or may not be neutral in procedure and in aims: public justification is *internally neutral* if its aims and means are equally accessible and acceptable by all others *whom it includes in its scope*. It is *unrestrictedly neutral*, in turn, if its aims and means are

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[70] The following texts argue that political liberalism can, in one form or other, be neutral: Larmore (1996), 121-127; Larmore (1987), chapter 3; Rawls (1993), 191ff.; Rawls, "Justice as Fairness: Political not Metaphysical." See also Ackerman (1980); Ackerman, "Why Dialogue?" and "Neutralities."

[71] Macedo (1991), 262f. Galston makes a related claim: see Galston (1991), chapter 6.

[72] This leaves aside what is sometimes called 'neutrality of opportunity' and 'neutrality of outcome'. Following Galston, political liberalism is not neutral in these two senses. See Galston (1991), 100.

equally accessible and acceptable by all others *to whom political principles apply* (or, alternatively, everyone *for whom political principles claim authority*).[73]

A sense emerges in which Macedo is right. Evidently, public justification is not unrestrictedly neutral. Some people to whom political principles apply are unreasonable$_{PL}$, be it because they reject the demands of public justification, or because they reject the abstract liberal views which public justification relies on in the justification of political principles, or both. Thus, the aims and means of public justification will not be equally acceptable to all people to whom political principles apply.[74] However, Macedo is wrong in suggesting, or concluding, that public justification is not neutral. For a lack of unrestricted neutrality does not imply a lack of internal neutrality. Any inference from the former to the latter would suppose that public justification should include in its scope everyone to whom political principles apply. However, political liberals, including Macedo, do not suppose that public justification should include in its scope everyone to whom political principles apply. Political liberals include only reasonable$_{PL}$ people in that scope.

In fact, the way in which public justification is not unrestrictedly neutral

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[73] Construing neutrality in procedure and in aims in such terms captures, I believe, the core of Alan Montefiore's understanding of neutrality. See Montefiore (ed.), *Neutrality and Impartiality*, Cambridge 1975, esp. 4-17. However, it is inconsistent with Galston's understanding of neutrality. He believes that assigning "positive worth" to others, or their views, already implies a lack of neutrality. Cp. Galston (1991), 90. Yet this is mistaken. It takes something to be a *violation* of neutrality that is one of its *suppositions*. The quest for neutrality arises *within* the moral point of view. It hence *supposes* that people, or their views, have positive worth. Galston goes wrong, I believe, because he does not distinguish between internal and unrestricted neutrality. According to others positive worth is internally neutral if those included in public justification's scope endorse morality. It might not also be unrestrictedly neutral, however, as some people to whom political principles apply might reject morality.

[74] I assume here that political liberals advance what Gerald F. Gaus calls a 'populist' notion of public justification: see Gaus, *Justificatory Liberalism*, Oxford 1996, 130ff. On this interpretation, political liberals take some view *S* to be acceptable by X only if X accepts, or is likely to accept, *S* upon reflection. The caveat 'upon reflection' can be spelled out in various ways. Rawls spells it out in terms of a reflective equilibrium between *S* and X's well-considered judgements. See also Besch (1998), 69-86. This is not to deny that there is a sense in which views can be claimed to be acceptable by others even if they are committed to reject them. I shall come back to this at a later stage of my argument.

implies that it is internally neutral – at least vis-à-vis the demands of public justification and the abstract liberal ideas sketched above: the views that citizens should enjoy some set of basic rights, liberties, and opportunities; that these rights, liberties, and opportunities should have some sort of special status; and, not least, that citizens should enjoy some means that enable them to use these rights, liberties, and opportunities. Public justification includes only reasonable$_{PL}$ people in its scope. Trivially, then, it will be internally neutral at least vis-à-vis the demands of public justification and these ideas.

This means two things. First, the assumption that political liberals restrict the scope of public justification to reasonable$_{PL}$ people, and construe reasonableness$_{PL}$ in their thick terms, helps to explain why Macedo can claim that public justification is not neutral – i.e., that it is not unrestrictedly neutral. Second, the same assumption helps to explain why neutralist political liberals can, at least vis-à-vis public justification itself and the mentioned abstract liberal ideas, insist that public justification is neutral – i.e., that it is internally neutral. This provides further support for that assumption.[75]

7. *Political toleration*

Turning to the issue of political toleration, I shall focus on Rawls's view. Public justification, he insists, respects reasonable disagreement. It is in this sense that he declares that political liberalism "applies the principle of toleration to philosophy itself."[76] But, we may wonder, is not political liberalism's restriction of the scope

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[75] It seems to me that neutralist political liberals and their anti-neutralist critics sometimes argue at cross-purposes since they sometimes fail to properly distinguish between internal and unrestricted neutrality. Neutralists seem to focus on internal neutrality. This is legitimate. But construing internally neutral justification as unrestrictedly neutral justification, or construing a defense of, or arguments for, liberal neutrality, *simpliciter*, as a defence of, or arguments for, internal neutrality is a mistake. Their anti-neutralist critics, in turn, seem to often focus on unrestricted neutrality. This is legitimate, too. But construing public justification's lack of unrestricted neutrality as a lack of neutrality, *simpliciter*, or taking the fact that public justification is not unrestrictedly neutral as a reason to conclude that it cannot be neutral, *simpliciter*, is, again, a mistake.

[76] Rawls (1993), 9f.

of public justification to reasonable$_{PL}$ people inconsistent with its own commitment to respecting reasonable disagreement, or political toleration?

The answer depends on two factors. The first, formal factor concerns the structure of reasonable disagreement. Following Rawls, disagreement about some view, S, is reasonable if, and only if, reasonable people can disagree about S.[77] For S to be the subject of reasonable disagreement, then, reasonable people must believe that S can be accepted or rejected without impugning one's reasonableness. S is the subject of *unreasonable* disagreement, in turn, only if the reasonable believe that S cannot be disputed reasonably – be it because they take S to be reasonably unrejectable, or because they take S to be reasonably unacceptable. Consequently, political toleration applies *neither* to the rejection of views that cannot reasonably be rejected, *nor* to the acceptance of views that cannot reasonably be accepted. Political toleration only applies *within* the scope of reasonableness.

The second, substantive factor concerns the conception of reasonableness on which this structure is predicated – it depends, in other words, on the substantive question of what views, or types of views, if any, are taken to be reasonably unrejectable or reasonably unacceptable. Now political liberals do not distinguish between this structure and this substantive question. In particular, they do not regard this structure as providing, say, a mere formal frame a justification of substantive values and principles needs to fill out.[78] Instead, they from the outset construe reasonable disagreement as *reasonable$_{PL}$* disagreement. Hence, for political liberals, political toleration applies neither to the rejection of *reasonably$_{PL}$* unrejectable views, nor to the acceptance of *reasonably$_{PL}$* unacceptable views. Public justification, therefore, does not respect disagreement about the demands of public justification and the abstract liberal ideas listed above: it construes such disagreement as unreasonable$_{PL}$ disagreement.

This, however, does not ensure that political liberalism's restriction of the

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[77] This is an application of (R2), above.

[78] If this structure was taken to provide some such formal frame only, any *substantive* distinction between views that must be tolerated politically, and views that may not be tolerated politically would have to be made by the light of values or principles that have been shown to be right (or correct or true), and hence would require a justification of the relevant values or principles.

scope of public justification to reasable$_{PL}$ people is consistent with its own commitment to respecting reasonable disagreement, or political toleration. Suppose that some reasonable$_{PL}$ people reject:

> (i) Public justification may include only reasonable$_{PL}$ people in its scope.

> (ii) Political principles do not need to be publicly justifiable to everyone to whom they apply.

Thus, the commitment to political toleration would require public justification not to rely on (i) and (ii). Now, it seems, if public justification does not rely on (i) and (ii), it would have to include unreasonable$_{PL}$ people in its scope. Hence, again, public justification would be self-defeating and would not have liberal content to draw on in the justification of political principles. However, if public justification does not include unreasonable$_{PL}$ people in its scope even though some reasonable$_{PL}$ people reject (i) and (ii), public justification would violate its own commitment to political toleration. Hence, public justification would be deadlocked.

It seems, then, that political liberals commit themselves to the view that disagreement about (i) and (ii) is *not* reasonable$_{PL}$ disagreement. It seems, that is, that political liberals suppose that the reasonable$_{PL}$ accept (i) and (ii) and, accordingly, that the latter take (i) and (ii) to be reasonably$_{PL}$ acceptable (whether or not the reasonable$_{PL}$ also affirm the stronger view that (i) and (ii) are reasonably$_{PL}$ unrejectable). If political liberals suppose this further view about reasonableness$_{PL}$, their restriction of the scope of public justification to reasonable$_{PL}$ people is consistent with political liberalism's commitment to political toleration.

8. *Political legitimacy*

Is political liberalism's restriction of the scope of public justification to reasonable$_{PL}$ people consistent with its own view of political legitimacy? I shall, again, focus on Rawls's views. A good starting point is his "liberal principle of legitimacy":

> [O]ur exercise of political power is proper and hence justifiable only when 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.[79]

We may simplify this as follows:

> (LPL) The exercise of political power is legitimate only if (i) it is exercised in accordance with a constitution that (ii) can be endorsed in the light of reasonably acceptable moral principles.

(LPL), then, demands political power to be justifiable at two levels: the level of constitutional principles, and the level of moral principles. Token exercises of political power meet (LPL) only if they are justifiable by the light of constitutional principles (first level) that are justifiable by the light of 'reasonably acceptable' moral principles (second level). However, what moral principles are 'reasonably acceptable'? This brings in a *third* level of justification. Rawls writes:

> Justice as fairness [i.e., Rawls's own theory of political justice, henceforth referred to as 'JF'] is not reasonable in the first place unless in a suitable way it can gain its support by addressing each citizen's reason, as explained in its own framework. (...) A conception of political legitimacy aims for a public basis of justification and appeals to public reason, and hence to free and equal citizens viewed as reasonable and rational.[80]

As I read him, Rawls implies here that moral principles may be employed at the second level of the justification of token exercises of political power only if they can be justified as 'reasonably acceptable' principles by a theory (or a view, an account, a conception) of political justice that is a 'public basis of justification'. Thus, (LPL) can be met only on the basis of a theory of political justice (i) that is a 'public basis of justification', and (ii) that justifies some moral principles as 'reasonably acceptable' principles.

A remark on (ii) is in place. (ii) formulates the *task* of a theory of political justice that may come in at the third level of the justification of token exercises of political power – of political justification, for short. And, we shall see, the notion

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[79] Rawls (1993), 217.

[80] *Ibid.*, 143f.

of reasonableness that Rawls brings in here is the notion of reasonableness$_{PL}$. Prior to a specification of what is a 'public basis of justification', though, the above does not imply that a theory of political justice may come in at the third level of political justification only if it construes 'reasonably acceptable' moral principles as reasonably$_{PL}$ acceptable principles. It might instead construe them as the principles that, e.g., consistent and prudent moral agents in possession of the relevant non-moral facts would accept, or that 'all in the relevant domain can follow', or that maximise utility, or that best promote human perfection.[81] Thus, one would expect Rawls to show why reasonableness$_{PL}$ should be privileged. And even if a theory of political justice that comes in at the third level of political justification construes 'reasonably acceptable' principles as reasonably$_{PL}$ acceptable principles, it might still seek to show why people should be reasonable$_{PL}$. That such a theory should determine what principles are reasonably$_{PL}$ acceptable does not mean that it may not also try to justify reasonableness$_{PL}$. After all, some people to whom political principles apply are not, or reject being, reasonable$_{PL}$.

This leads us to (i). For Rawls, a theory of political justice that may come in at the third level of political justification should determine what moral principles are reasonably$_{PL}$ acceptable. But he does not show why reasonableness$_{PL}$ should be privileged. Instead, he supposes the authority of the standpoint of reasonableness$_{PL}$ in explaining what it takes for a theory of political justice to be a public basis of justification. Rawls says:

> [JF] (...) aims to be the focus of an overlapping consensus. That is, the view as a whole hopes to articulate a public basis of justification for the basic structure of a constitutional regime working from fundamental intuitive ideas implicit in the public political culture and abstracting from comprehensive religious, philosophical, and moral doctrines. It seeks common ground (...) given the fact of pluralism. This common ground is

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[81] The first view of the reasonableness of moral principles would correspond to Hare's approach, see Hare (1981), Hare (1997), ch.7; the second would be on the lines of O'Neill (1996).

the political conception itself as a focus of an overlapping consensus.[82]

> [JF] aims at uncovering a public basis of justification on questions of
> political justice given the fact of reasonable pluralism. Since justification is
> addressed to others it proceeds from what is, or can be, held in common;
> and so we begin from shared fundamental ideas implicit in the public
> political culture in the hope of developing from them a political conception
> that can gain free and reasoned agreement in judgement, this agreement
> being stable in virtue of its gaining the support of an overlapping consensus
> of reasonable comprehensive doctrines. These conditions suffice for a
> reasonable political conception of justice.[83]

This suggests that JF, or any other theory of political justice, is a public basis of justification only if it is the subject of an overlapping consensus between reasonable comprehensive doctrines. Now we have already seen how Rawls conceives of reasonable comprehensive doctrines. For him, these are the doctrines that reasonable$_{PL}$ people can accept. By implication, a theory of justice is a 'public basis of justification' only if that theory as a whole, including its premises, standards of reasoning, and its substantive conclusions, is acceptable by *reasonable$_{PL}$ people*. This is what Rawls implies when he insists that a "political conception of justice, to be acceptable, must accord with our considered convictions, at all levels of generality, on due reflection."[84] This 'our', in turn, does not refer to everyone to whom political principles apply, but to reasonable$_{PL}$ people only. It follows that a theory of political justice may come in at the third level of political justification only if the moral principles it advocates are reasonably$_{PL}$ acceptable. And that, I submit, is the reason, or part of the reason, why Rawls takes it to be the task of such a theory to determine what moral principles are reasonably$_{PL}$ acceptable.[85]

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[82] Rawls (1993),192.

[83] *Ibid.*, 100f.

[84] *Ibid.*, 8.

[85] More precisely, it is the task of such a theory to suggest to the reasonable$_{PL}$ political principles as the principles that best reflect their self-understanding. If the reasonable$_{PL}$ accept them, they are shown to be principles that may be invoked at the second level of political

Thus, that Rawls's own theory of political justice, JF, because it seeks to be a public basis of justification, seeks to argue from 'shared fundamental ideas implicit in the shared public political culture' does *not* mean that JF tries to argue from ground that is shared by everyone to whom political principles apply, including Nazis and religious fundamentalists. And that JF, because it seeks to be a public basis of justification, tries 'to gain free and reasoned agreement in judgement' does *not* mean that JF seeks to be acceptable by everyone to whom political principles apply, including Nazis and religious fundamentalists. What Rawls implicitly refers to in each case is acceptability by reasonable$_{PL}$ people. For Rawls, JF achieves its aim of providing a public basis of justification if JF as a whole, including its premises, standards of reasoning, and substantive conclusions, is acceptable by reasonable$_{PL}$ people.

How does the three-level structure of political justification relate to public justification? The above suggests the following picture. JF, or any other theory of political justice, is a view, or a set of views, that may or may not be publicly justifiable. If it is publicly justifiable, however, it is a public basis of justification (and, it seems, *vice versa*), and so provides the basis for examining the legitimacy of token exercises of political power. For Rawls, then, political justification should draw on a publicly justifiable theory of political justice: only a publicly justifiable theory of political justice may come in at the third level of political justification. Hence, public justifiability is a prerequisite for due political justifiability, while the latter is necessary for political legitimacy.

Not least, it is safe to add, Rawls does not show why the standpoint of reasonableness$_{PL}$ should be privileged because his view of political legitimacy from the outset addresses, or tries to convince, only reasonable$_{PL}$ people. And, as

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justification. Accordingly, Rawls says that the Original Position – a central element of JF – "serves as a means of public reflection and self-clarification" that can lead "us" (i.e., the reasonable$_{PL}$) to a "deeper self-understanding." (*Ibid*., 26) Note, though, that the Original Position does not provide a standpoint from which to justify why one should be reasonable$_{PL}$ in the first place, for the self-understanding of the reasonable$_{PL}$, and not the outcomes of the Original Position, has the last word. See Besch (1998), 69-86, 111ff. Gerald Doppelt overlooked that the Original Position ultimately has a reconstructive, and not vindicatory, role. See his "Is Rawls's Kantian Liberalism Coherent and Defensible?", *Ethics* 99 (1989), 838, and "Rawls's Kantian Ideal and the Viability of Modern Liberalism", *Inquiry* 31 (1988).

I have suggested in the last section, reasonable$_{PL}$ people do not dispute that political principles need to be justifiable to reasonable$_{PL}$ people only. This confirms what we have seen above already. For political liberalism, the demand of political legitimacy does not require political principles to be acceptable by everyone to whom these principles apply. Instead, the demand of political legitimacy requires political principles to be acceptable by reasonable$_{PL}$ people only.[86]

Let me add a remark on the related issue of Rawls's view of liberalism. He works with two notions of liberalism. On his *substantive* notion, a theory of political justice is liberal if,

> first, it specifies certain basic rights, liberties, and opportunities (...); second, it assigns a special priority to these rights, liberties, and opportunities (...); and third, it affirms measures assuring all citizens adequate all-purpose means to make effective use of their basic liberties and opportunities.[87]

A second, distinct notion of liberalism surfaces when Rawls writes:

> If [JF] were not expressly designed to gain the reasoned support of citizens who affirm reasonable although conflicting comprehensive doctrines – the existence of such conflicting doctrines being a feature of the kind of public culture that liberal conception itself encourages – *it would not be liberal*.[88]

Rawls implies here that a theory of political justice is liberal only if it is the

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[86] Marilyn Friedman is right when she writes: "[Supporters of unreasonable comprehensive doctrines] will be excluded from the legitimation pool, that collection of citizens whose consent to the political system confirms its legitimacy." (Friedman, "John Rawls and the Political Coercion of Unreasonable People", in Victoria Davion, Clark Wolf (eds.), *The Idea of a Political Liberalism*, Lanham 2000, 23.) Yet she underestimates how exclusive political liberalism's 'legitimation pool' actually is. Friedman writes: "[B]y reasonableness Rawls means two things: first, the willingness to seek fair terms of social cooperation and, second, the acknowledgement that reasonable people can disagree on fundamental matters of religion, morality, and philosophy." (*Ibid.*, 24.) This is only partially accurate; it does not exhaust the content of the notion of reasonableness$_{PL}$.

[87] Rawls (1993), 223.

[88] *Ibid.*, 143. Italics are mine.

subject of an overlapping consensus. Now a theory of political justice that is liberal in the first sense might not be liberal in this second sense. For instance, Rawls takes Mill's and Kant's views to be liberal comprehensive moral doctrines, and insists that they fail to be the subject of an overlapping consensus.[89] On Rawls's second notion of liberalism (liberalism*), then, some substantively liberal theories of justice, including, according to Rawls, Kant's and Mill's views, are *illiberal*.

However, for Rawls, a liberal* theory of political justice will be liberal in the substantive sense. His notion of a liberal* theory of political justice is the notion of a theory of political justice that, given (LPL), can provide a basis of a legitimate exercise of political power, and hence can be a public basis of justification. Now, we have just seen, in order to be a public basis of justification, a theory of political justice must be reasonably$_{PL}$ acceptable. Reasonable$_{PL}$ people, in turn, overridingly endorse the abstract liberal ideas that Rawls refers to in characterising a theory of political justice as liberal in the substantive sense. Thus, for Rawls, a liberal* theory of justice will also be liberal in the substantive sense.

9. *On good (public) reasons*

Finally, let us turn to political liberalism's notion of good reasons. Political liberals seek to base political principles on reasons that are good, moral, general and public. Yet we have seen in Macedo's exemplary case that what they call good or public reasons are reasons for reasonable$_{PL}$ people only.[90] This suggests two objections. The first targets political liberalism's view of good reasons:

> Since political liberalism's 'good reasons' suppose a restriction on the membership in the class of people for whom these reasons are reasons, either
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> (i) they cannot be good reasons; or
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> (ii) they can be good reasons only if it can be shown by the light of good

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[89] See *ibid.*, 145.

[90] See I.2, above.

reasons that do *not* suppose any such restriction why one should be reasable$_{PL}$ in the first place.

The second, parallel objection targets political liberalism's view of public reasons:

Since political liberalism's 'public reasons' suppose a restriction on the membership in the class of people for whom these reasons are reasons, either

(i*) they cannot be public reasons (instead, they are 'private' reasons); or

(ii*) they can be public reasons only if it can be shown by the light of public reasons that do *not* suppose any such restriction why one should be reasonable$_{PL}$ in the first place.

These two objections have some appeal. However, they get things backwards. They promise to provide a reason for not restricting the scope of public justification to reasonable$_{PL}$ people. Yet they can provide such a reason only if it is already *presupposed* that this scope should not be restricted accordingly. Thus, they beg the question against political liberals.

To make things somewhat more specific, it is best to begin with the notion of a public reason. Let me follow Gerald F. Postema's exposition of that notion. He contrasts public reasons with agent-neutral and agent-relative reasons. "Agent-neutral reasons," he writes, "are characterised in terms of *universality*. They are considerations such that, if they count as reasons for any particular rational agent, they count equally for all rational agents."[91] Agent-relative reasons are *not* universal in scope: they are "reasons for *some particular* agent *only*. Agent-relative reasons are *first-person singular reasons*." Yet, he observes, this distinction leaves room for "reasons that are (...) *trans-individual* but may fail to achieve full universality. These reasons are shared by *some* agents, but not necessarily by all." Public reasons are reasons of this third type:

Public reasons are a species of trans-individual reasons, distinguished from

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[91] This and the following quotations are taken from Postema's "Public Practical Reason: Political Practice", in Ian Shapiro, Judith Wagner DeCew (eds.), *Theory and Practice*, New York 1995, 349. All italics are Postema's. See also his "Public Practical Reason: An Archaeology", *Social Philosophy and Policy* 12 (1995), esp. 64-70.

other species by their robustly intersubjective character. They are relativized to some group or "public," but, within that group, public reasons are not relativized to any of its members. Public reasons are first-personal plural reasons – "reasons for us," as they would put it.[92]

[P]ublic reasons are shared in the robust sense that they are reasons *for each* in virtue of being reasons *for all* of us. Reasons that I acknowledge as public reasons are (...) "reasons for me" because they are "reasons *for us*" and I regard myself as "one of us."[93]

Not least, public reasons can either be *restricted* or *unrestricted* in scope:

[R]*estricted* public reasons presuppose or implicitly include a restriction on the membership in the "us." They are regarded as reasons for *us qua X* (for some property *X*) – that is, "reasons for us *and not for them*." Contrast these potentially xenophobic reasons with unrestricted public reasons. While the latter appeal to some common group, they presuppose no criteria of membership in the group. (...) In fact, at the limit, unrestricted public reasons may be universal.[94]

Apply this to political liberalism and the two above objections. Political liberalism's good reasons are restricted public reasons. They are public since, to

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[92] Postema, "Public Practical Reason: Political Practice", 349.

[93] *Ibid.*, 350.

[94] *Ibid.*, 349. Postema avoids building universalism into the very notion of a public reason. On his picture, it is, as it should be, an open question whether practical reasoning, if it should employ public reasons, should employ unrestricted public reasons. Observe also that constructivism takes the goodness of good reasons to be a matter of their accessibility and acceptability (or shareability or followability) by all relevant others. Hence, constructivism construes good reasons as Postema-type public reasons. And once we observe, as Postema helps us to see, that public reasons can be restricted or unrestricted in scope, a constructivist, but not at the same time universalist view of justification becomes conceptually available. This recommends Postema's view of public reasons as a suitable tool to analyse political liberalism's understanding of public justification and good reasons. It also makes his view in this respect superior to, e.g., Christine M. Korsgaard and Bruce W. Brower's views. They seem from the outset to suppose that all public reasons must be universal in scope. Yet this involves a *non sequitur*. See Korsgaard's "The Reasons We Can Share," in Korsgaard, *Creating the Kingdom of Ends*, Cambridge 1995, 301, and Brower's "The Limits of Public Reason," *The Journal of Philosophy* 91 (1994).

use Postema's idiom, they are reasons for each reasable$_{PL}$ person in virtue of being reasons for all reasonable$_{PL}$ people. For political liberalism, Macedo writes, "the goodness of good reasons (...) becomes entirely a function of their capacity to gain widespread agreement among reasonable people moved by a desire for reasonable consensus."[95] These reasons are restricted in scope, in turn, since they are reasons for a specifiable group of people: they are reasons "for us," but the "us" exclusively refers to reasonable$_{PL}$ people. As to the two above objections, then, (i) in effect assumes that only unrestricted public reasons can be good, while (ii) assumes that restricted public reasons can be good only if their restriction is justifiable by the light of 'unrestricted' public reasons. (i*), in turn, assumes that only unrestricted public reasons can be genuinely (or, say, fully) public, while (ii*) assumes that restricted public reasons can be genuinely (or fully) public only if their restriction is justifiable by the light of unrestricted public reasons.

So far, so good. We should now observe that this way of putting things, and in effect Postema's otherwise helpful distinction between restricted and unrestricted public reasons, glosses over the fact that *all* public reasons are restricted in scope. Consider the structure of unrestricted public reasons. If some consideration, C, is a public reason, claims of the form:

(1) C is a reason to Φ (e.g., to do, believe or accept certain things)

can be paraphrased as:

(2) C is a reason *for us* to Φ.

For Postema, (2) states a restricted public reason if (2) "presuppose[s] or implicitly include[s] a restriction on the membership in the "us."" Otherwise, (2) states an unrestricted public reason. In the latter case, then, (2) in effect amounts to:

(3) C is a reason *for everyone* to Φ.

Yet, it seems, (3) cannot include in its scope people that lack, or are unable to use, epistemic-practical capacities (involving, e.g., deliberative capacities, inferential skills, judgement, some degree of imagination, the ability to use, or access, relevant information and so forth) which would enable them to, say, grasp C and

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[95] Macedo (1991), 46.

what Φ-ing consists in, what it means to accept or reject C, what it takes for C to 'count in favour of' Φ-ing, and, not least, what Φ-ing on grounds of C would ask for.[96] Construed descriptively, (3) claims that everyone accepts C as a reason to Φ (or, say, that everyone Φ-s on grounds of C); construed prescriptively, (3) claims that everyone ought to accept C as a reason to Φ (or, say, that everyone ought to Φ on grounds of C). However, if I lack the relevant capacities, it could not be true of me that I accept C as a reason to Φ (or that I Φ on grounds of C), nor could it be the case that I ought to accept C as a such reason (or that I ought to Φ on grounds of C). Thus, (3) seems to be intelligible only if it is *presupposed* that all those for whom (3) claims C to be a reason have the relevant capacities.

Two things are suggested. First, claims that, like (3), state unrestricted public reasons in fact have the following form:

(4) C is a reason to Φ for everyone who passes the threshold test T,

where 'T' reflects the properties people must have to be such that C can intelligibly be claimed to be a reason for them. As Postema in effect points out, statements of unrestricted public reasons do not normally openly state the threshold tests they presuppose. Where they do not openly state them, however, they are *elliptical* for statements that, like (4), state such threshold tests. Hence, second, the difference between restricted and unrestricted public reasons cannot be, as Postema claims, that only the former presuppose or implicitly include a restriction on the membership in the class of those for whom these reasons are claimed to be reasons. For (4) reflects the structure of restricted *and* unrestricted public reasons. Construed as Postema-type restricted public reasons, for instance, political liberalism's good (and public) reasons take the following form:

(5) C is a reason to Φ for everyone who passes the threshold test of reasonableness$_{PL}$.

Yet (4) and (5) are *isomorphic*: we reach (5) by inserting 'of reasonableness$_{PL}$' for 'T' in (4). In a structural sense, then, *all* public reasons are restricted in scope: they are, let us say, *notionally* restricted in that their non-elliptical statement takes

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[96] Following Scanlon, the property of 'counting in favour of' is an essential feature of reasons "in the standard normative sense." See Scanlon (1998), chapter I, esp. 18-22.

the form of statements that, like (4) and (5), openly state threshold tests of some sort.

　　If that is so, what *is* the difference between restricted and unrestricted public reasons? Here is one suggestion. While all public reasons are at least notionally restricted in presupposing certain threshold tests, restricted public reasons presuppose threshold tests that are empirically exclusive *within the class of people for whom these reasons should be acceptable as reasons*. In referring to C as a restricted public reason, therefore, we suppose a view of the class of people for whom, we take it, considerations like C should be acceptable as reasons, and express the view that C fails to be acceptable as a reason by everyone included in that class. Apply this suggestion to the case at hand. Political liberalism's good (public) reasons take the form of (5). But (5) does not identify them as restricted public reasons. Or, rather, (5) would identify them as such reasons if we supposed, or took it as read, that the consideration which (5) refers to as a reason to Φ should be acceptable as such a reason for at least some unreasonable$_{PL}$ people as well. Thus, we would in effect refer to political liberalism's good (public) reasons along the following lines:

> (6) C is a reason to Φ for everyone who passes the threshold tests of reasonableness$_{PL}$, but C should be a reason to Φ for at least some others as well.

If that is right, the distinction between restricted and unrestricted public reasons is *evaluative* in nature – not, as Postema suggests, merely structural – and *critical* in function. In identifying public reasons as restricted public reasons, we in effect refer to them as public reasons that, we take it, are *too* restricted in scope.

　　This leaves open why (or when) we do, or should, consider public reasons to be too restrictive in scope. Here, then, is an example of what looks like a plausible view implying that political liberalism's good (and public) reasons *are* too restricted in scope. We might endorse (6) because we believe that what political liberals claim their reasons to be reasons for – i.e., political principles, including principles of political justice – applies to the unreasonable$_{PL}$ as well. On such a view, we would construe the class of people for whom token public reasons should be acceptable as reasons not simply as the class of people for whom these reasons are intended to be acceptable as reasons. For, it seems, in

political liberalism's case, the latter class *is* the class of reasable$_{PL}$ people. Instead, we would construe the class of people for whom token public reasons should be acceptable as reasons as the (potentially wider) class of people to whom these reasons, and what these reasons are taken to be reasons for, apply.[97]

Now reconsider the two above objections in this light. (i) and (ii), and (i*) and (ii*), come down to the claim that since political liberalism's good and public reasons are empirically exclusive within the class of people for whom, these objections assume, these reasons should be acceptable as reasons, they cannot be good or genuinely public, or else the standpoint of reasonableness$_{PL}$ must be vindicated by public reasons that are not empirically exclusive within the class of people for whom, these objections assume, these reasons should be acceptable as reasons. In other words, these objections in reality merely insist that good and

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[97] One disadvantage of distinguishing between restricted and unrestricted public reasons in my terms seems to be that it does not allow us to identify our *own* reasons as restricted public reasons without (partially) disapproving of them. (And, of course, Postema's structural distinction, while misleading, would allow us to do so.) Yet this disadvantage is only apparent. I can refer to my reason to Φ as a restricted public reason by implicitly quoting, but not endorsing, some view to the effect that this reason is too restricted in scope. Thus, I would in effect contrast that view with my own view of the class of people for whom, I take it, my reasons should be acceptable as reasons. Three advantages of putting the distinction between these two types of reasons in my terms, in turn, are these. First, it allows for the possibility of unrestricted public reasons that are not acceptable as reasons by everyone who could appreciate them as reasons. And such reasons should be possible. For suppose, again, that we take the class of people for whom public reasons should be acceptable as reasons to be the class of people to whom these reasons, and what they claim to be reasons for, apply. Now some token public reason, R, might claim to be a reason for a precept that applies to a limited group of people only. Still, R could be an unrestricted public reason if all members of that group can accept R as a reason for that precept – and, it seems, R would not need to be acceptable by anyone else. Second, it allows for the possibility of a fully (i.e., unrestrictedly) public use of reason even if (AU) must be rejected. If (AU) is accepted, and if the relevant precepts are justifiable by a fully public use of reason, some public reasons must be acceptable by everyone (or, rather, by all those for whom these precepts claim authority). If (AU) must be rejected, however, a fully public use of reason should remain possible – even though the need for reasons that are acceptable as reasons by everyone might not arise. Not least, third, the distinction suggested here allows us to see that disagreement about whether some reason is or is not fully public might sometimes not be conceptual, but substantive in nature: it might reflect disagreement at the level of views of the class of people for whom public reasons should be acceptable as reasons in the first place.

genuinely public reasons should be less restrictive in scope than political liberals assume. But this is just another way to say that political liberals should not restrict the scope of public justification to reasonable$_{PL}$ people. This view might very well deserve our support – which, I believe, it does. Simply presupposing it, however, would beg the question against political liberals.

10. *Conclusion*

To sum up. There is a sense in which public justification is neutral because it includes only reasonable$_{PL}$ people in its scope. More important here, rather than determining what view of the scope of a (public) justification of political principles we should adopt in the first place, the demands of political toleration, political legitimacy, and the aim of grounding political principles on good (public) reasons already suppose, or draw on, some view of that scope. The demand of political toleration by itself specifies neither what views, or sets of views, if any, are 'reasonably unrejectable' or 'reasonably unacceptable', nor how we are to determine what views, or sets of views, if any, have that status. It can hence coherently be construed as a demand to respect disagreement that arises, or can arise, between people who pass political liberalism's unvindicated threshold tests of reasonableness$_{PL}$. The demand of political legitimacy in effect asks the exercise of political power to observe principles that a publicly justifiable theory of political justice identifies as 'reasonably acceptable' moral principles. As this leaves open what scope public justification should have in the first place, political liberals can coherently interpret it by the light of their view of public justification, and, accordingly, can coherently construe 'reasonably acceptable' principles as reasonably$_{PL}$ acceptable principles. The aim of grounding political principles on good (public) reasons, finally, does not by itself determine for whom these reasons must be acceptable as reasons. Thus, it does not by itself run up against political liberalism's restriction of the scope of public justification to reasonable$_{PL}$ people – unless, of course, we already presuppose that political liberalism's reasons should be acceptable as reasons by everyone to whom political principles apply, or claim authority (or at least by some unreasonable$_{PL}$ people). This, however, would beg the question against political liberals.

I conclude that attempts to internally criticise political liberalism by

arguing from the demands of political toleration, political legitimacy, and its aim of grounding political principles on good (public) reasons, are bound to fail. If they construe these demands and this aim in political liberalism's terms, which, to be internal, they would have to do, they can reach the conclusion that political liberalism may not restrict the scope of public justification to reasonable$_{PL}$ people only if they presuppose that principles of political justice should be (publicly) justifiable within a wider scope – thereby presupposing an assumption political liberals are committed to reject. And while this seems to be a plausible presupposition, it would beg the question against political liberalism.

C. Political liberalism and public dogma

11. *Is political liberalism dogmatic?*

Political liberalism seeks to avoid 'public dogma'. Macedo says:

> We cannot honour our status as reasonable beings unless we remain open to
> discuss with others about our deepest political conceptions, whatever they
> may be. At the point at which the argument is closed, public reason is
> transformed into public dogma.[98]

> 'He who knows only his own side of the case', Mill observed, 'knows little
> of that'. Liberalism needs dissenters from liberalism: unless we keep
> debating and remain open to new and better reasons we could not have
> confidence in the reasons we now think are good. Not surprisingly, then,
> closing public debate on basic political issues is incompatible with our
> deepest ideals and our practice of respecting even subversive speech (while
> drawing a sharp line between speech and action).

It is not clear what Macedo actually wants to say here. For he hastens to add that
he does "not mean to say that the question of slavery, *for example*, should be
reopened."[99] Apparently, then, several issues, including the issue of slavery, are
not such that the reasonable$_{PL}$ should be open to debating them. At the same time,
every discussion must close at some point – thus, if public dogma is avoidable,
which Macedo believes, closure cannot by itself 'transform public reason into
public dogma'. Something similar holds for the starting points of discussion, and
for at least some views that discussion relies on in examining other views: if
public dogma is avoidable, taking some views for granted in discussing other
views cannot by itself constitute public dogma.

And yet, these two passages seem to conflict with political liberalism's
approach to public justification, political toleration, political legitimacy, and the
aim of grounding political principles on good (and public) reasons. Three basic
political issues are the issues of (i) whether political principles should be publicly

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[98] For this and the next quotation: see Macedo (1991), 58.

[99] *Ibid.*, 58. Italics are mine.

justifiable, and, if they should be so justifiable, (ii) whom public justification should include in its scope, and, if it should include only reasonable people in its scope, (iii) how 'reasonableness' should be understood, or what sort of content, if any, may be built into whatever notion of reasonableness public justification may, prior to further justification, employ. Now political liberalism's stand on (i), (ii) and (iii) is controversial. Nevertheless, political liberals do not vindicate that stand: they do not vindicate the authority and the role they accord to their conception of reasonableness$_{PL}$. In fact, what we have seen above suggests that political liberalism's very internal coherence comes at the cost of supposing, but not establishing, that people should be reasonable$_{PL}$, and that unreasonable$_{PL}$ people do not need to be included in the scope of public justification. It would seem, then, that political liberalism is, even by its own light, dogmatic.

The impression that political liberalism is dogmatic gains further support if we consider, at the level of interactions between reasonable$_{PL}$ and unreasonable$_{PL}$ people, what its restriction of the scope of public justification comes down to. It is not easy to see what that actually is. Rorty, however, gives us a clue. Like Rawls, Rorty commits himself to the view that political principles do not need to be (publicly) justifiable to everyone to whom they apply, but only to people who already endorse ideas that suitably support a liberal democratic regime. About people who reject these ideas – he calls them 'enemies of liberal democracy' – Rorty writes:

> [W]e heirs of the Enlightenment think of the enemies of liberal democracy like Nietzsche and Loyola as, to use Rawls's word, "mad." We do so because there is no way to see them as fellow citizens of our constitutional democracy, people whose life plans might, given ingenuity and good will, be fitted in with those of other citizens. (...) They are crazy because the limits of sanity are set by what we can take seriously. This, in turn, is determined by our upbringing, our historical situation.[100]

Rorty does not specify whom exactly the 'we' or the 'our' he uses here refers to. Let us take it to refer to reasonable$_{PL}$ people. Thus, this passage suggests the

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[100] Richard Rorty, "Priority of Democracy to Philosophy", in Rorty, *Objectivity, Relativism and Truth*, Cambridge 1989, 187f.

following. If I am reasonable$_{PL}$ and your objection to my view of political justice is inconsistent with, e.g., my view that reasonable$_{PL}$ agreement justifies, or that a justification of political principles should avoid reasonable$_{PL}$ disagreement, or with the abstract liberal ideas repeatedly mentioned above, you would not pass the threshold tests of reasonableness$_{PL}$ (i.e., from my perspective, you would be "mad"). Thus, I would not have to justify my view of political justice, the status of reasonable$_{PL}$ agreement, the relevance of avoiding reasonable$_{PL}$ disagreement or these abstract liberal ideas to you. In fact, I would not even have to justify to you why I do not have to justify these things to you. Instead, I could browbeat, ignore, or override your objection, thus ceasing to argue on equal terms with you. Accordingly, despite his claim that liberal public justification must include non-liberals as well, Macedo implies that reasonable$_{PL}$ people respect only those whom they regard as reasonable$_{PL}$. If you are unreasonable$_{PL}$, then, I am at liberty not to respect you – at least not in any sense of the notion of 'respect' that would require me to argue on equal terms with you.[101]

To mark a contrast, consider what seems to be a widely held view of how we should go about moral disagreement. It comes down to a simple demand: other things being equal, we should try to keep moving within the justification game by building or finding common ground and arguing from there. That is, where we encounter moral disagreement, we should not simply browbeat those who disagree with us, or keep relying on the controversial views in question. Instead, we should try to provide as yet uncontested and shareable reasons for these views, or else side-step these views altogether in order to make our case on different and, again, as yet uncontested grounds: we should try to, say, *objectify* our stance or to *bypass controversy*.[102] Call this the *standard view* (SV) of how

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[101] Note that this does not commit political liberals (or reasonable$_{PL}$ people) to the view that the unreasonable$_{PL}$ lack moral importance altogether. See IV.7ff., below.

[102] As I use the term here, to 'objectify' is to attempt to make one's views more objective. On a constructivist conception of objectivity, it means to widen the range of others who can authoritatively accept (or share or follow) the relevant views. For constructivist views of objectivity: see Thomas Nagel, *The Last Word*, Oxford 1997, chapter 6; Hare (1981), chapter 12; Hare, "Some Confusions about Subjectivity" in his *Essays in Ethical Theory*, Oxford 1989. Needless to add, the commitment to objectify does not by itself imply a constructivist view of

we should go about moral disagreement. It can take two forms:

> (SV1) Other things being equal, it is reasonable to react to moral
> disagreement by objectifying or bypassing controversy.

> (SV2) Other things being equal, it is unreasonable not to react to moral
> disagreement by objectifying or bypassing controversy.

It is, I take it, plain that (SV) has a great deal of appeal. Many people endorse (SV1), (SV2), or some context-sensitive blend of both.

Now it is not the case that political liberals commit themselves to reject (SV) all the way down. Their aim of avoiding reasonable$_{PL}$ disagreement can be construed as an attempt to follow the strategy of bypassing controversy. For the case of unreasonable$_{PL}$ disagreement, however, political liberals *reject* (SV) (or at least (SV2)). They suppose that reasonable$_{PL}$ people do *not* need to objectify or bypass controversy where others reject reasonably$_{PL}$ unrejectable views or accept reasonably$_{PL}$ unacceptable views. And this is quite counter-intuitive. It would seem that unless the reasonable$_{PL}$ are willing to also objectify or bypass controversy in the case of unreasonable$_{PL}$ disagreement, they are mere dogmatists – liberal dogmatists, perhaps, but dogmatists nonetheless. And how, we may ask, could it then be reasonable to be reasonable$_{PL}$?

To specify. Dogmatism, I suggest, may roughly be characterised as follows:

> (i) Other things being equal, it is dogmatic not to react to disagreement
> about some view, *S*, that we already endorse by arguing for *S* on yet
> uncontested grounds or else by bypassing controversy about *S* – *if* the
> disagreement in question constitutes positive reasons to doubt *S*, and
> so puts *S* in need of justification.[103]

While (i) should be understood by the light of the following proviso:

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objectivity.

[103] Not much depends now on how exactly we construe positive reasons to doubt *S*. All we need is that positive reasons to doubt *S* are considerations such that, if we endorse *S* but cannot duly respond to, or trump, these considerations, we should reject, or at least suspend our endorsement of, *S*.

(ii) Disagreement about *S* does not constitute positive reasons to doubt *S*, and so does not put *S* in need of justification, if it is *unreasonable* disagreement.

(i) and (ii) are, I take it, unproblematic – partly because they are not very informative. (i) and (ii) neither imply that disagreement is the only source of positive reasons to doubt, or of the need to justify views, nor specify by what conception of reasonableness we determine, or should determine, whether disagreement is unreasonable. They reflect the fact that some, but not all, disagreement puts views in need of justification; (ii) adds that disagreement that puts views in that need must be, in *some* sense of the notion, reasonable. E.g., predicated on your point of view, (i) and (ii) imply that, at least from your perspective, you would not be dogmatic if you do not react to what you in good faith construe as unreasonable objections to your views by arguing for them on as yet uncontested grounds or else by bypassing controversy (even if, by not reacting thus, you might seem, say, unhelpful, unfriendly, impolite, arrogant, or the like).[104]

Given (i) and (ii), then, the charge of dogmatism supposes that unreasonable$_{PL}$ disagreement is, or can be, *reasonable* disagreement. Hence, it assumes that it is, or can be, reasonable to reject reasonably$_{PL}$ unrejectable views and to accept reasonably$_{PL}$ unacceptable views. At least prior to a justification of why people should be reasonable$_{PL}$ in the first place, this looks like a very plausible view to hold. Observe, however, that we may not simply *presuppose* that it is, or can be, reasonable to be unreasonable$_{PL}$. For if this is all the charge of dogmatism builds on, then, given (i) and (ii), charging political liberals (or reasonable$_{PL}$ people) with dogmatism would not only beg the question against them. It would also run the risk of being dogmatic *itself*.

Now political liberals have a response to the charge of dogmatism. As only Larmore makes explicit, political liberals suppose, or commit themselves to

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[104] E.g., suppose that my objection to one of your views is plainly incoherent, runs up against obvious facts that I can be expected to be aware of, or demonstrates that I have not paid any attention to you. In such cases, it would seem, I would reject your view, in some sense at least, unreasonably. Thus, it seems, it would not be dogmatic not to react to my objection by trying to argue for that view on yet uncontested grounds or by bypassing controversy.

suppose, a 'contextualist' view of justified belief (or, in his terms, rational belief) that helps them to *avoid* the charge of dogmatism. Predicated on the perspective of the reasonable$_{PL}$, this view of justified belief implies that, from that perspective, unreasonable$_{PL}$ objections do not put reasonable$_{PL}$ views in need of justification. For political liberals, then, it would *not* be dogmatic to browbeat, ignore, or override unreasonable$_{PL}$ objections. Let me now take a look at Larmore's view of justified belief.[105]

12. *Larmore's contextualism* (I)

Larmore states the "key principle" of his view of justified belief as follows:

> I present a "contextualist" theory of rational belief that (...) applies not just to philosophical knowledge, but to knowledge in general. Its key principle (...) is that no existing belief stands as such in need of justification. That need arises only when we have uncovered some positive reason, based on other things we believe, for thinking that the belief might be false. The object of justification is not belief, but rather changes in belief.[106]

This view of justified belief, Larmore says, builds on the observation "that we are always in possession of a great many beliefs," and adds two "cognitive norms that are as important as they have been neglected":[107]

> (1) We need a good reason to open our mind just as we need one to close it. (...) [J]ust as to adopt a belief we do not yet have we must have positive, specific reasons to believe it is true, so to put in doubt a belief we already have, we must have good reasons to believe it is doubtful, that is, that it may be false. (...) (2) To justify a proposition is not simply to give some true premises from which the proposition follows, but instead to give reasons that dispel doubt to the effect that the proposition may be false. (...) Together these two principles have the important consequence that we need

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[105] I shall focus on only those aspects of that view that are relevant in relation to the question of how political liberals avoid the charge of dogmatism.

[106] Larmore (1996), 11.

[107] For this and the following quotation: see Larmore (1996), 59f.

to justify a belief we already have only if we have first found reasons to believe it is doubtful. Not belief itself, but rather change of belief, forms the proper object of justification.[108]

This states three main views: first, that "no existing belief stands as such in need of justification"; second, that existing beliefs would stand in this need "only if we uncovered some positive reason, based on other things we believe, for thinking that the belief might be false"; and third, that "to justify a proposition is (...) to give reasons that dispel doubt to the effect that the proposition may be false."

A remark on the relative weight of these three views is in place. If Larmore's view of justified belief is to help political liberals to avoid the charge of dogmatism, the second view will have to do the main work. Applied to the case at hand, the first view merely implies, and quite plausibly so, that the beliefs reasonable$_{PL}$ people already endorse, such as their view of what is reasonably$_{PL}$ unrejectable or unacceptable, are not in need of justification simply because they are endorsed: "[w]e do not have to justify [our moral views]," Larmore insists, "just because we have them."[109] But this is consistent with the view that the beliefs reasonable$_{PL}$ people already endorse, such as their view of what is reasonably$_{PL}$ unrejectable or unacceptable, *are* in need of justification (for other reasons). The third view, in turn, adds that public justification aims at 'dispelling doubt', but leaves open not only what (or when) views are, or should be taken to be, in doubt, but also whose doubts public justification must dispel. For our present purposes, therefore, the second view is essential.

What, then, puts views we already endorse in need of justification? What yields "positive reason[s], based on other things we believe, for thinking [some existing] belief might be false"? Consider first what role the qualification "based on other things we already believe" plays here. Larmore writes:

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[108] I should add that Larmore seems to use the notion of (moral or non-moral) 'beliefs' in a fairly wide sense. Here and below, I adopt a similar policy. Thus, I call something a belief if, in one way or other, it can take the place of 'Φ' in locutions of the form "X believes Φ". I hence do not imply that beliefs must be, say, perceptual in origin or content, must correspond to some 'mind-independent' reality, or, not least, cannot be prescriptive in meaning.

[109] *Ibid.*, 62. For Larmore, this applies not only to moral views, but to all views that we already endorse.

I should note that, according to the principles of rational belief I have presented, a good reason for doubting an existing belief is not the mere fact that we come upon somebody with grounds to reject it. A good reason for us to doubt, and so to raise the question of justification, must be one that is good by our own light, for it must be supported by other beliefs of ours.[110]

Here is what this suggests. That you reject one of my beliefs, *S*, does not as such provide me with positive reasons to doubt *S*. To provide me with such reasons, or to ask me to supply, as Larmore puts it, positive, specific reasons to believe that *S* is true, or at least reasons that dispel doubts about *S*, your rejection of *S*, or the reasons why you reject *S*, must be supported by other beliefs of *mine*. In any other case, I may in effect browbeat, ignore, or override your rejection of *S*. Now this applies to beliefs regardless of their content or status – in Larmore's terms, it "applies not just to philosophical knowledge, but knowledge in general."[111] Hence, it also applies to my beliefs about how the need to justify beliefs arises in the first place; about the form that a justification of doubtful beliefs should have; and about the people to whom beliefs should be justifiable. Thus, even if you object to my view that I may take your rejection of *S* to provide me with positive reasons to doubt *S* only if your rejection is supported by other beliefs of mine, I may browbeat, ignore, or override your objection to that very view of mine as long as your objection fails to be suitably supported by other beliefs of mine.

Suppose, however, that your rejection of *S* is suitably supported by other beliefs of mine, and that I hence concede that *S* is in need of justification. Thus, I am faced with the question of whether I should believe *S* or non-*S* (for what is relevant now, let us leave aside the option of a suspension of judgement). How, according to Larmore, would I have to respond to this need, or go about answering this question? Larmore says:

[T]he *contextualist* view of justification proposed here can be described as claiming that not our beliefs but rather changes in them are the proper object of justification. In deciding whether to adopt a new belief, therefore, we are to ask (...) whether adding the new belief is justified by what we

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[110] *Ibid.*, 63.

[111] *Ibid.*, 11.

already believe.[112]

This does not suggest that in order to properly respond to the need to justify *S* I am to argue for *S* (or against non-*S*) from grounds yet uncontested by *you*. Nor does it suggest that I am to show, or to at least reassure myself, that *S* (rather than non-*S*) is justifiable to, or equally accessible and acceptable by, *you*. Instead, it suggests that I am to examine whether non-*S* instead of *S* is justified, or, say, better supported, by what *I* already believe. Of course, one of the things I might already believe is that we may not, upon encountering positive reasons to doubt, continue to endorse *S* if we cannot show, or at least reassure ourselves, that *S* (rather than non-*S*) is justifiable to, or equally accessible and acceptable by, the relevant others. And if I already believe this, then I might have a reason to argue for *S* (or against non-*S*) from grounds yet uncontested by you – if, that is to say, I conceive of you as one of the relevant others. However, should I not believe that the relevant others are relevant in this way, or should I not regard you as one of them, then even if I believe that your rejection of *S* puts *S* in need of justification, I would not have to show, or reassure myself, that *S* is justifiable to, or equally accessible and acceptable by, you. Instead, I may, yet again, override your objection of *S* as I choose.

Accordingly, Larmore rejects the idea that views, including moral and political views, must be justifiable to, or acceptable by, all others for whom they claim authority. In his terms, we should "reject the idea of *universal justifiability*," while "keeping that of a *universal content*."[113] Larmore says:

> [J]ust as the justifiability we assume our assertions to have must be understood in relation to standards and beliefs we already accept, so, too, we understand the need to revise hitherto accepted standards always by appeal to other standards and beliefs that remain unproblematic. (...) [I]n asserting something as true, we do not mean that it is true only for us or for those who share our standards. We presume that the assertion is true for everyone universally. Nonetheless, we can still claim that someone has missed a truth without our having to suppose that we must be able to justify to him the change of perspective that would make this truth accessible to

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[112] *Ibid.*, 62.

[113] *Ibid.*, 57f.

him. In such situations, we then take for granted simply that we have no positive reason (and that is something we ought to judge by the light of our own perspective) to question our standards and take seriously his contrary ones. Claims to universal truth need not imply, therefore, claims to universal justifiability.[114]

This passage is mainly directed against Jürgen Habermas's view of the presuppositions of what he calls 'validity claims'. On Habermas's picture, in claiming *S* to be right (or correct or true), we claim *S* to have authority for everyone (or, as he often puts it, we raise a 'universal validity claim'). But in claiming *S* to have that authority, Habermas believes, we commit ourselves to the view that *S* is justifiable to everyone. Thus, he concludes, it is, in some 'pragmatic' or 'performative' sense, inconsistent to claim *S* to be right (or correct or true), but to claim that *S* is *not* justifiable to everyone. On such a view, then, the scope of people for whom *S* claims authority must *converge* with the scope of people to whom *S* is justifiable.[115]

Larmore believes that this convergence is *not* required. He does not deny that in claiming *S* to be right (or correct or true), we claim *S* to have authority for everyone. Instead, he denies that, in claiming *S* to have that authority, we commit ourselves to the view that *S* must be justifiable to everyone. For Larmore, we may, if *S* is based on some "hitherto accepted standard" of ours, claim *S* to have that authority even if *S* is not justifiable to, or acceptable by, everyone for whom *S* claims authority, as long as we have no positive reasons to doubt *S*, or the standards on which *S* is based – and whether there are such reasons is "something we ought to judge by the light of our own perspective".

13. *Larmore's contextualism* (II)

Does this allow political liberals (or reasonable$_{PL}$ people) to avoid the charge of dogmatism? Not yet. Larmore's view of justified belief yields:

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[114] *Ibid*., 208.

[115] Cp. Habermas, "Richtigkeit versus Wahrheit"; Habermas, "Diskursethik – Notizen zu einem Begründungsprogramm", in Habermas, *Moralbewußtsein und kommunikatives Handeln*, Frankfurt am Main 1983; *Faktizität und Geltung*, Frankfurt am Main 1992.

(1) In order to be justified in believing *S*, it is sufficient for reasable$_{PL}$ people not to have positive reasons to doubt *S*.

(2) Reasonable$_{PL}$ people may determine whether they have positive reasons to doubt *S* by the light of some standard *S** that they already endorse.

And, correspondingly:

(3) If others reject *S*, this provides reasonable$_{PL}$ people with positive reasons to doubt *S* only if this rejection is supported by the light of some standard *S** that reasonable$_{PL}$ people already endorse.

(4) If others reject *S* and this provides reasonable$_{PL}$ people with positive reasons to doubt *S*, reasonable$_{PL}$ people have to examine whether believing non-*S* instead of *S* is justified (or, say, better supported) by what they already believe.

(5) Reasonable$_{PL}$ people may claim *S* to apply to, or have authority for, unreasonable$_{PL}$ people even if *S* is not justifiable to, or equally accessible and acceptable by, the unreasonable$_{PL}$.

However, (2) largely leaves open by what standards the reasonable$_{PL}$ determine whether their views are in need of justification. Suppose, then, they accept a standard such as:

(2*) If *S* applies to, or claims authority for, others who reject *S* *consistently* (or, say, coherently, intelligently, or upon due consideration), there are positive reasons to doubt *S*.

I take it that there are, or can be, unreasonable$_{PL}$ objections to the views of reasonable$_{PL}$ people, including their view of what is reasonably$_{PL}$ unrejectable or unacceptable, that are consistent (or coherent, intelligent, or considered). Hence, if the reasonable$_{PL}$, in determining whether their views are in need of justification, employ standards as inclusive as (2*), they would commit themselves to concede that unreasonable$_{PL}$ disagreement can, and sometimes does, put their views in this need.

To the question of how this need must be answered, (4) does not fully

specify an answer – or tell us how, to use Larmore's idiom, reasonable$_{PL}$ people are to 'dispel doubt'. Thus, suppose also that reasonable$_{PL}$ people accept a view like:

> (4*) Doubt about *S* may be taken to be properly dispelled only if it can be shown, or if there are good reasons to believe, that *S* (rather than non-*S*) is justifiable to, or equally acceptable and accessible by, all others who reject or doubt *S*.

In conjunction with (2*), (4*) would commit reasonable$_{PL}$ people to react to consistent (coherent, intelligent, duly considered) unreasonable$_{PL}$ disagreement by showing, or reassuring themselves, that their views, including their view of what is reasonably$_{PL}$ unrejectable or unacceptable, are justifiable *to the unreasonable$_{PL}$*. Thus, if reasonable$_{PL}$ people do not react to such disagreement by arguing for their views from yet uncontested grounds or by bypassing controversy, they would, even from their own perspective, be dogmatic. By implication, it seems, the scope of a public justification could not, at least not prior to a justification of why one should be reasonable$_{PL}$ in the first place, be restricted to reasonable$_{PL}$ people.

      Now political liberals do *not* believe that political liberalism is dogmatic. But Larmore's view of justified belief does not by itself allow them to avoid the charge of dogmatism. It allows them to avoid that charge, however, if two additional assumptions about reasonableness$_{PL}$ are made. That is, political liberals do not content themselves with views as inclusive as (2*) and (4*). Instead, I submit, they suppose:

> (2**) Unless objections are reasonable$_{PL}$, so pass the threshold tests of reasonableness$_{PL}$, they do not provide positive reasons to doubt reasonable$_{PL}$ views.

> (4**) Doubt about reasonable$_{PL}$ views may be taken to be properly dispelled if it can be shown, or if there are good reasons to believe, that these views are justifiable to, or equally accessible and acceptable by, reasonable$_{PL}$ people.

If (2) refers to a standard like (2**) – i.e., if the reasonable$_{PL}$ employ a standard like (2**) in determining whether their views are in need of justification – unreasonable$_{PL}$ objections will *not*, at least not from their perspective, put their views in this need. Hence, for them, it would *not* be dogmatic not to respond to unreasonable$_{PL}$ disagreement with the willingness, and, if circumstances permit, the attempt to argue for their views from yet uncontested grounds or to bypass controversy. (4**), in turn, implies that reasonable$_{PL}$ people do not need to publicly justify doubtful reasonable$_{PL}$ views to all others who reject or doubt them. It merely commits them to show, or to reassure themselves, that such views are publicly justifiable to the reasonable$_{PL}$.

Let us consider in this light the two passages with which part C started. At first sight, Macedo suggests that public justification must, in order to avoid 'public dogma', remain open to challenges even of liberalism's 'deepest political conceptions' and 'deepest ideals'. We have seen, however, that there are exceptions to what Macedo says in these two passages. For Macedo, several issues, including the issue of slavery, are not such that the reasonable$_{PL}$ should be or remain open to debate them. And he must accept that closure of public debate does not by itself 'transform public reason into public dogma', and that it is by itself unobjectionable to take some views for granted in discussing other views. Here, I submit, is what stands behind these exceptions.

For political liberals, the issue of public dogma does not arise *beyond the boundaries of positive reasons to doubt*. Public justification, accordingly, may start from, be conducted in terms of, and close with, views that are not in need of justification. This seems quite plausible in its own right – dogmatism, I have suggested, supposes that there are positive reasons to doubt. However, political liberals add two substantive views. First, they add that only reasonable$_{PL}$ objections provide positive reasons to doubt reasonable$_{PL}$ views (this is (2**)). Hence, for political liberals, the issue of public dogma does not arise *beyond the boundaries of reasonableness$_{PL}$*. Accordingly, for political liberals, public justification may start from, be conducted in terms of, and close with views that are not rejected reasonably$_{PL}$. Second, political liberals add that all that the reasonable$_{PL}$ need do in order to answer positive reasons to doubt is try to show, or reassure themselves, that their views are publicly justifiable to the reasonable$_{PL}$

(this is (4**)). This is so even if unreasonable$_{PL}$ people happen to object to reasonable$_{PL}$ views in ways that are not themselves unreasonable$_{PL}$. For political liberals, then, public dogma is avoided if doubtful reasonable$_{PL}$ views are publicly justifiable *by the reasonable$_{PL}$ to the reasonable$_{PL}$*. And this, of course, is what we had reasons to expect all along.

Hence, political liberals can, thus far, avoid the charge of dogmatism. Of course, they merely *avoid* that charge. They simply suppose, but do not establish, (2**) and (4**). Thus, it is plausible to reiterate the charge of dogmatism. For, it would seem, unless political liberals explain *why* unreasonable$_{PL}$ objections do not put reasonable$_{PL}$ views in need of justification, and *why* this need, where it arises, may be answered by addressing reasonable$_{PL}$ people only, (2**) and (4**) merely reinforce their dogmatism – by adding a dogmatic view at the level of views of what raises the need to justify things in the first place. Observe, though, that this charge of dogmatism supposes that, at least prior to a justification of why people should be reasonable$_{PL}$, unreasonable$_{PL}$ objections can be *reasonable*, and so can be such that they *should* be taken to put reasonable$_{PL}$ views in need of justification. Again, this looks like a very plausible view to hold. But we may not simply presuppose it in criticising political liberalism. As I have observed already, this would not only beg the question against political liberals, it would also run the risk of being dogmatic *itself*.

Let me conclude this section with a remark on the *type* of contextualism political liberalism supposes. This will anticipate something that will become relevant later: namely, that we could, at least to some extent, accept political liberalism's view of justified belief while rejecting its restriction of the scope of public justification to reasonable$_{PL}$ people. To begin with, then, (1) commits political liberals to what Mark Timmons calls *structural contextualism*. He characterises it as follows:

> SC Regresses of justification may legitimately terminate with beliefs, which, in the context in question, *are not in need of justification*. Let us call these latter beliefs *contextually basic beliefs*.[116]

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[116] Timmons, *Morality without Foundations*, Oxford 1999, 187.

Larmore, too, implies that we may hold *S*, and may rely on *S* in the justification of other views, even if we do not possess justification for *S* itself as long as *S* is not in need of justification. And this is more or less what (SC) comes down to.[117] Note, though, that (SC) leaves open by what standards we are to judge whether beliefs are in this need: (SC) indicates that this need somehow depends on context, but specifies neither on what context it depends, nor how it depends on context. Prior to further argument, therefore, we could accept (SC) but *reject* (2**) – say, because we reject (2) altogether, or because we predicate (2) on a standard like (2*), thereby committing ourselves to the view that people may determine whether their views are in need of justification by what they already believe only if they already believe that consistent (coherent, intelligent, duly considered) objections to their views put them in this need. This, in turn, suggests that political liberalism is contextualist not merely in a structural sense. Rather, it amounts to a form of what Timmons calls *normative contextualism*:

> NC A person [X] is justified at time t in believing some proposition [S] in context C if, and only if, [X's] holding [S] at t conforms to the relevant set of epistemic practices and norms operative in C.[118]

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[117] Larmore construes his view of justified belief as an alternative to foundationalist and coherentist views of justified belief: see Larmore (1996), 61f. Timmons, too, advances (SC) as such an alternative. Foundationalist views of justified belief hold that, in Timmons's terms, regresses of epistemic justification stop "with a certain class of beliefs that are somehow non-inferentially justified in the sense of not owing their justification to other beliefs. These regress-stopping foundational beliefs provide the epistemic basis for inferentially justified beliefs." (Timmons (1999), 186.) Coherentist views of justified belief hold that "there are no regress stoppers; rather, justification is a matter of the interconnectedness of a finite set of beliefs." (*Ibid*., 187) Like Larmore, Timmons rejects the assumption of both foundationalism and coherentism that *all* beliefs are in need of justification. He assumes that regresses of justification may terminate with beliefs that, in the context at hand, are not in need of justification – even if these beliefs are not inferentially justified or somehow self-justifying. Not least, he holds that beliefs that are 'contextually basic' in one context might not be 'contextually basic' in other contexts. (SC), it might be worth adding, does not as such deny that where beliefs are in this need their justification may partly be coherentist in form. See Timmons (1999), 186-246; Timmons, "Foundationalism and the Structure of Justification in Ethics", *Ethics* 97 (1987); "Moral Justification in Context", *The Monist* 76 (1993); "Outline of a Contextualist Moral Epistemology", in Timmons, Walter Sinnott-Armstrong (eds.), *Moral Knowledge?*, Oxford 1996. See also III.4, below.

[118] Timmons (1999), 185.

Depending on what set of epistemic practices and norms are taken to be relevant, Timmons adds, normative contextualism can take several forms. All in all, I submit, political liberalism's view of justified belief is best seen as a form of what Timmons calls *sociocentric* normative contextualism. Such forms of normative contextualism in effect hold that

> knowledge and justification are relative to the epistemic standards of one's social group and community, so that whether one has knowledge or is justified in believing some proposition depends on whether or not one's belief conforms to the epistemic norms of one's group.[119]

Applied to the case of political liberalism, the group in question is the group of reasonable$_{PL}$ people (assuming, that is, that there is such a group of people). One of the 'epistemic norms' of this group, in turn, is (2**): i.e., the view that only reasonable$_{PL}$ objections put reasonable$_{PL}$ views in need of justification. Political liberalism, then, supposes a contextualist view of justified belief that is normative and sociocentric in the following, two-fold sense: first, political liberals suppose that (some of) the 'epistemic norms' a particular group of people happens to endorse already have sufficient authority to govern the reasoning of the members of that group; second, they suppose that the members of that group endorse 'epistemic norms' that in effect favour abstract liberal content that, political liberals take it, all members of this group endorse – i.e., the content of political liberalism's view of reasonableness$_{PL}$.

Two possibilities emerge. First, we could follow political liberals in accepting (SC), but reject their restricted view of public justification if we reject their view of the standards by which the reasonable$_{PL}$ may determine whether their views are in need of justification. E.g., we could accept (SC) and the view that only 'reasonable' objections put 'reasonable' views in this need, but nevertheless seek to construe 'reasonableness' in terms that are minimal or thin enough to qualify as 'reasonable' everyone who is willing and able to reason and act morally and for whom our views claim authority. Second, we could follow political liberals in adopting (NC), but reject their restricted view of public justification if we reject the idea that the group the 'epistemic norms' of which the

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[119] *Ibid.*, 185.

reasonable$_{PL}$ may follow is the group of reasonable$_{PL}$ people. E.g., we might construe the relevant group as the larger group of people for whom political principles claim authority (or, say, as at least that sub-group of this larger group that comprises everyone who is willing and able to reason and act morally). A case against political liberalism's restricted view of public justification, then, might not have to reject (SC) or (NC), or dispute whatever is plausible, if anything, about (SC) and (NC).

14. *Political liberalism: a contextualist and particularist constructivism*

The above completes the core of my reconstruction of political liberalism's view of public justification (although further interpretative remarks will be necessary later). This interpretation followed the hypothesis that political liberalism is an internally coherent view and, on that basis, brought to light several suppositions political liberals tacitly make, or are committed to make, if their view of public justification is to escape self-defeat, and if public justification is to have liberal content to draw on in the justification of political principles, including principles of political justice. Judged by these suppositions, political liberalism is a *contextualist* and *particularist* form of constructivism. I have just sketched in what sense it is contextualist. Let me now specify in what sense it is particularist.

Recall, then, some features of universalist constructivism. For my present purposes, I have taken a view of practical reasoning and justification to be constructivist if, in one way or other, it holds, for a given type of practical claims, *A*, a view such as:

> (C) *A*-type claims are correct (or are right, valid or true) if, and only if, they are acceptable by reasonable people.

Universalist constructivists combine (C), or some version of (C), with formal universalism, i.e., the view that moral thought and action is (or should be) governed by moral precepts that are universal in (logical) form, and three other views:

> (AU) At least some moral precepts claim authority for every moral agent.

> (JU) Moral precepts should be justifiable to everyone for whom they claim authority.

(NM) Justification (i.e., (C)) should be predicated on thin, rather than thick, assumptions about reasonableness,

Contrast this with political liberalism. Political liberalism's view of public justification applies (C), or a version of (C), to the case of political principles. And, I take it, political liberals are not, or not obviously, committed to reject formal universalism and applicative universalism. However, I have argued, they suppose, or commit themselves to suppose:

(PJ5) Political principles, including principles of political justice, need to be publicly justifiable only to reasonable$_{PL}$ people, even though these principles apply to, or claim authority for, unreasonable$_{PL}$ people as well.

(PJ6) The public justification of these principles does not need to establish, but may take for granted, the content of the notion of reasonableness$_{PL}$.

Being reasonable$_{PL}$, in turn, involves at least the following:

(1) Reasonable$_{PL}$ people are committed to a public justification of political principles: they believe (i) that the aims and means of a justification of such principles should be equally accessible and acceptable by reasonable$_{PL}$ people; (ii) that a justification of such principles should seek to avoid reasonable$_{PL}$ disagreement; and (iii) that equal accessibility and acceptability by reasonable$_{PL}$ people, or reasonable$_{PL}$ agreement, genuinely justifies.

(2) Reasonable$_{PL}$ people accept several abstract liberal views that circumscribe the *type* of moral content public justification may presuppose: they believe (i) that citizens should enjoy some set of basic rights, liberties, and opportunities; (ii) that these rights, liberties, and opportunities should have some sort of special priority; (iii) that citizens should have access to some set of means that enable them to use these rights, liberties, and opportunities.

(3) Reasonable$_{PL}$ people take it to be unreasonable$_{PL}$ to reject the views

listed in (1) and (2).

(4) Reasonable$_{PL}$ people believe that political principles need to be publicly justifiable only to reasonable$_{PL}$ people, even when these principles apply to, or claim authority for, the unreasonable$_{PL}$ as well.

Moreover, political liberals suppose that reasonable$_{PL}$ people endorse views like:

(5) Unless objections to reasonable$_{PL}$ views are themselves reasonable$_{PL}$, they do not provide positive reasons to doubt reasonable$_{PL}$ views.

(6) Doubt about reasonable$_{PL}$ views may be taken to be properly dispelled if it can be shown, or if there are good reasons to believe, that these views are justifiable to, or equally accessible to and acceptable by, reasonable$_{PL}$ people.

Predicating public justification, and hence (C), on this notion of reasonableness$_{PL}$ – a notion that is supposed by, but not established in, public justification – evidently implies a rejection of normative minimalism. And since political liberals restrict the scope of public justification, but not the scope of the (alleged) authority of publicly justifiable political principles, to reasonable$_{PL}$ people, they also reject justificatory universalism. At least in the two-fold respect of rejecting (NM) and (JU), then, political liberalism is a particularist form of constructivism.

It is worth adding that the above is not meant to provide an exhaustive account of the content of reasonableness$_{PL}$. Reasonableness$_{PL}$ has further content – content, however, that political liberals openly state. Following Rawls, for instance, being reasonable$_{PL}$ involves the capacity to form and revise a conception of the good and a sense of justice, and a 'higher-order' interest in developing these two powers.[120] Rawls also writes:

> Knowing that people are reasonable where others are concerned, we know that they are willing to govern their conduct by a principle from which they and others can reason in common; and reasonable people take into account the consequences of their actions on others' well-being. The disposition to be reasonable is neither derived from nor opposed to the rational but is

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[120] Rawls (1993), 18ff., 29-35, 48-53.

incompatible with egoism, as it is related to the disposition to act
morally.[121]

In being 'incompatible with egoism', then, being reasonable$_{PL}$ involves a
commitment to some form of impartiality and benevolence. And, as the first
sentence of this passage in effect suggests, reasonable$_{PL}$ people are motivated to
argue from common ground, and so to abide by what I have called above the
'standard view' of how we should go about moral disagreement (as I have argued,
however, only within, and not beyond, the limits of reasonableness$_{PL}$). Following
Thomas Scanlon, Rawls adds:

> [We] have a basic desire to justify our actions to others on grounds they
> could not reasonably reject – reasonably, that is, given the desire to find
> principles that others similarly motivated could not reasonably reject. (...)
> The two aspects of the reasonable as a virtue of persons one may see as two
> related expressions of this desire.[122]

Rawls characterises the 'two aspects of the reasonable' that he refers to here as
follows:

> The first basic aspect of the reasonable (...) is the willingness to propose fair
> terms of cooperation and to abide by them provided others do. The second
> basic aspect (...) is the willingness to recognize the burdens of judgment
> and to accept their consequences for the use of public reason in directing
> the legitimate exercise of political power in a constitutional regime.[123]

As I read him, his view that the reasonable$_{PL}$ are willing to propose fair terms of
cooperation while acknowledging the burdens of judgement and their
consequences – i.e., while respecting reasonable$_{PL}$ disagreement – roughly
amounts to the view that these people are committed to a public justification of

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[121] *Ibid.*, 48f., fn.1. Rawls relies here on W. M. Sibley's distinction between rationality
and reasonableness: see Sibley's "The Rational Versus the Reasonable", *Philosophical Review* 62
(1953).

[122] Rawls (1993), 49, fn.2. Scanlon elaborates on the 'basic desire' referred to here in his
"Contractualism and Utilitarianism". See also II.3, below.

[123] Rawls (1993), 54.

political principles, and seek to interact with others on the basis of publicly justifiable political principles. However, Rawls also suggests that the reasonable$_{PL}$ seek to argue not simply from reasonably$_{PL}$ acceptable grounds, but from grounds that meet the stronger test of being reasonably$_{PL}$ unrejectable. This makes (1) and (2) all the more important for political liberalism's purposes of public justification.

II. Toward a universalist challenge

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1. *Introduction*

I believe that political liberals should justify why people should be reasonable$_{PL}$ in the first place, and that, prior to such a justification, public justification may not be restricted to the reasonable$_{PL}$. Hence, I shall aim at a case against political liberalism's particularism. However, I also seek to examine whether a satisfactory universalist constructivist case can be made against this brand of particularism. For most of what follows, then, I shall pursue these two aims together by discussing O'Neill's universalist and constructivist view of practical reasoning – a view that, if it lives up to its own standards, would provide such a case. What I shall do now is to set the stage for that. Part (A), below, elaborates on universalist constructivism's disagreement with political liberalism's particularism; it addresses how constructivist arguments against political liberalism's particularism would have to proceed, and considers some ideas that such arguments might want to, but should not, invoke. Part (B) introduces and discusses some aspects of O'Neill's views, and carves out what, on her view, would be wrong with political liberalism.

A. Universalism versus particularism

2. *Universalist versus particularist constructivism*

Political liberals, I have argued, suppose, or are committed to suppose:

> (PJ5) Political principles, including principles of political justice, need to be publicly justifiable only to reasonable$_{PL}$ people, even though these principles apply to, or claim authority for, unreasonable$_{PL}$ people as well.

> (PJ6) A public justification of these principles does not need to establish, but may take for granted, the content of reasonableness$_{PL}$.

(PJ5) and (PJ6) run up against the ideas of justificatory universalism (JU) and normative minimalism (NM).[124] If we continue to assume that the principles (PJ5) refers to form a sub-set of moral principles, (JU) implies:

> (1) Political principles should be justifiable to everyone for whom they claim authority.

On the assumption that some people for whom political liberalism's political principles claim, or would claim, authority are not, or reject being, reasonable$_{PL}$, (1) suggests:

> (2) A public justification of political principles should not be restricted to reasonable$_{PL}$ people, or restricting it thus should be publicly justifiable to everyone for whom these principles claim authority.

(2) implies the rejection of (PJ6):

> (3) A public justification of political principles should not take the content of reasonableness$_{PL}$ for granted, but should establish why people should be reasonable$_{PL}$ in the first place.

(3) suggests that public justification should start from a view of reasonableness

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[124] (JU) holds that moral principles should be justifiable to everyone for whom they claim authority. (NM) holds that justification should be predicated on thin, rather than thick, assumptions about reasonableness.

that is thinner in content than reasonableness$_{PL}$, and so should conform to (NM).

      This, I submit, points in the right direction. It requires reasonableness$_{PL}$ to be justifiable to the unreasonable$_{PL}$ as well, and so demands that they, at least initially, be included in the scope of public justification. Note, though, that it does not ask us to entirely reject political liberalism's view of public justification. (1), (2) and (3) are consistent with several *structural* claims on the role of reasonableness that, if construed in terms of reasonableness$_{PL}$, reflect political liberalism's particularism – such as, e.g., the claims

    (i) that others are to be respected as free and equal people only if they are reasonable;

    (ii) that political principles need to be justifiable to reasonable people only;

    (iii) that the justification of such principles should avoid reasonable disagreement;

    (iv) that reasonable agreement justifies;

    (v) that moral principles may be employed at the second level of political justification – i.e., at the level of a justification of constitutional principles – only if they are reasonably acceptable;

    (vi) that a theory of political justice may be invoked at the third level of political justification – i.e., at the level of a justification of the sort of moral principles that (v) refers to – only if it is as a whole reasonably acceptable;

    (vii) that good (and public) reasons must be acceptable by reasonable people;

    (viii) that only reasonable objections provide positive reasons to doubt reasonable views;

    (ix) that doubt about reasonable views may be taken to be properly dispelled if it can be shown, or if there are good reasons to believe, that these views are justifiable to, or equally accessible and acceptable by, reasonable people.

Yet we would have to construe these claims in terms of a view of reasonableness that is *thinner* in content, and hence more *inclusive* in its scope, than reasonableness$_{PL}$. A more inclusivist view of public justification would accordingly take reasonableness$_{PL}$ to at least partly be an *object* of public justification. Reasonableness$_{PL}$, then, would not be a 'virtue' (Rawls) that is accorded authority prior to, and independent from, public justification.[125] It would be a 'virtue' whose authority at least partly depends on whether people who are reasonable in some thinner sense can be convinced to accept its content. (1), (2) and (3), then, ask us to widen the scope of public justification and to broaden the range of views that public justification must argue for. And this is a plausible stand to take.

True, it is possible that public justification might not lead to liberal conclusions once it meets (1), (2) and (3). And, given the two problems with which my discussion of political liberalism started (see section I.1), there are reasons to doubt that public justification will reach any such conclusions as long as it is committed to avoid, rather than to engage and resolve, reasonable disagreement – disagreement, that is, that, once (1), (2) and (3) are met, arises between people who are reasonable in some suitably thin sense. What concerns me here, however, are not the conclusions, but the *starting points* of public justification. The ideas of justificatory universalism and normative minimalism impose what looks like plausible constraints on these starting points. And if public justification, once it meets these constraints, fails to support liberal conclusions, this problem cannot be resolved by simply building controversial, unvindicated liberal content into the view of reasonableness from which it starts.[126] In a related context, O'Neill observes:

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[125] Rawls (1993), 48.

[126] Here are alternatives. We might take public justification to be a form of justification the starting points of which must be provided by some non-public form of justification. Thus, we might defend key liberal values on non-public grounds and construe people as reasonable only if they follow these values – hence defining the view of reasonableness that public justification proper starts from, and by which it determines the reasonableness of disagreement, in substantive, yet *vindicated* terms. Second, we might reject the demand to avoid reasonable disagreement altogether. Third, we might take this demand to be a guideline that public justification may, if necessary, fail to meet. Fourth, we might construe this demand in terms of the conclusions of

Once we think of reasoning among fellow citizens as reasoning among those with whom we share a political identity, (...) there are evidently shared premises for practical reasoning, and powerful motives for seeking agreement on basic principles and institutions. Yet there is a price to be paid for using these premises: public reasoning as Rawls construes it is citizens', hence insiders', reasoning, so may not convince foreigners or outsiders – or citizens who stand back from the way things are, and ask whether they should be that way.[127]

[T]here cannot be good reasons for those whose standing is denied by an account of practical reasoning to accept that reasoning: theories can only be vindicated to those whose standing they accept. If we have no transcendent vindication of the authority of reason, practical reasoning that claims universal authority can be vindicated only by showing that it is accessible and cogent without restriction of audience. Hence justifiable universal scope and universal accessibility of ethical and political reasoning are intimately linked.[128]

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public justification: disagreement would thus be reasonable just in case it is consistent with publicly justifiable values or principles. Accordingly, this demand could not shape public justification proper, but, perhaps, stretches of *political justification* that draw on publicly justifiable values or principles. Thus, it could still play a role in attempts to ensure political legitimacy.

[127] O'Neill, "Political Liberalism and Public Reason: A Critical Notice of John Rawls, *Political Liberalism*," *Philosophical Review* 106 (1997), 42.

[128] O'Neill, "Ethical Reasoning and Ideological Pluralism," *Ethics* 98 (1988), 705 Fn. 1. In this paper, O'Neill considers how liberalism could claim "universal authority", or how liberalism could claim its conclusions to have authority for everyone who could act on, and be treated in accordance with, its conclusions. To claim that authority, O'Neill insists, liberalism must argue from premises that, as she puts it here, are "accessible and cogent" without restriction of audience. See *ibid*., 705-709. Observe, however, that liberalism does not have to claim 'universal authority' for its conclusions. Liberalism might instead restrict both the scope within which its conclusions claim authority *and* the scope within which its conclusions seek to be justifiable to a limited audience – for instance, political liberals would advance such a view if they restricted both public justification and the (alleged) authority of publicly justifiable political principles to the reasonable$_{PL}$. Hence, that a liberal view denies the standing of some people, and that these people hence lack good reasons to accept that the justification this view offers for its conclusions confers authority, does not necessarily undermine its credibility: for the justification it

It would seem plausible to extend O'Neill's point to people whose standing is *accepted* by any view of public justification, *PJ*, that, like political liberalism's view of public justification, starts from a view of reasonableness that is controversial within the scope of *PJ* conclusions, but remains unvindicated. If O'Neill is right, people whose standing is denied by *PJ*, i.e., the unreasonable$_{PJ}$, lack good reasons to accept that the property of being justifiable by *PJ* confers authority. Likewise, however, people whose standing *PJ* accepts, i.e., the reasonable$_{PJ}$, would lack good reasons to accept that this property confers authority. For, it would seem, reasonable$_{PJ}$ and unreasonable$_{PJ}$ people have reasons to doubt that this property confers authority as long as *PJ*'s starting points are controversial within the scope of *PJ*'s conclusions, but remain unvindicated – and hence, for all that *PJ* shows, might merely be arbitrary and dogmatic.

Of course, this takes several things for granted. It assumes that *PJ*'s starting points, including its view of reasonableness$_{PJ}$, should be justifiable to everyone for whom *PJ*'s conclusions claim authority. It hence assumes justificatory universalism. Next, it assumes that, prior to a justification of reasonableness$_{PJ}$, unreasonable$_{PJ}$ objections to reasonable$_{PJ}$ views raise the need to justify the latter. It thereby takes for granted that the reasonableness of disagreement should at least initially be construed not in terms of reasonableness$_{PJ}$, but in terms of some other, thinner view of the notion. Thus, it assumes normative minimalism. Yet, even if proponents of *PJ* reject these assumptions, these are, it seems, plausible assumptions to make.

The question I shall pursue in what follows, then, is not whether, but *why*, or *on what grounds*, we should reject political liberalism's particularism – or, rather, how, if at all, a universalist constructivist case can be made against it.

3. *On how to proceed*

The last section marks reasons to argue against political liberalism's

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offers might still be 'accessible and cogent' for everyone for whom its conclusions claim authority. Yet political liberalism, while not necessarily claiming 'universal authority', at least claims authority for its conclusions beyond the scope within which its conclusions seek to be justifiable. That is why O'Neill's remark applies here.

particularism, rather than providing any such argument itself. (1), (2), and (3), and the ideas of justificatory universalism and normative minimalism simply deny what political liberals affirm. Hence, rejecting political liberalism's particularism by relying on or appealing to the plausibility of these views and these ideas would, it seems, beg the question against political liberals. It would also run the risk of being dogmatic. Dogmatism, I have suggested, may roughly be characterised as follows:

> (i) Other things being equal, it is dogmatic not to react to disagreement about some view that we already endorse, *S*, by arguing for *S* on yet uncontested grounds or else by bypassing controversy about *S* – *if* the disagreement in question constitutes positive reasons to doubt *S*, and so puts *S* in need of justification.

While (i), I submitted, should be understood by the light of the following proviso:

> (ii) Disagreement about *S* does not constitute positive reasons to doubt *S*, and so does not put *S* in need of justification, if it is *unreasonable* disagreement.

To avoid dogmatism, it is not enough to make a case against political liberalism's particularism that is convincing from a universalist standpoint. Rather, a case is needed that argues from grounds yet uncontested by political liberals. Thus, such a case should not invoke views that political liberals are from the outset committed to reject – such as, e.g., (1), (2) and (3) or the ideas of justificatory universalism and normative minimalism. This is so if we concede that political liberalism's particularism should, at least prior to further argument, be construed as a reasonable view. And, it would seem, unless it is already shown that this brand of particularism should be rejected, this concession cannot be avoided without, yet again, begging the question against political liberals and running the risk of being dogmatic.

   Now if political liberalism's particularism is at least initially construed as a reasonable view, it calls into question universalist constructivism's *own* commitment to justificatory universalism and normative minimalism. The disagreement at hand, then, does not concern the first-order question of what moral principles, including political principles, are the ones we should adopt. Rather, it concerns the *higher-order* question of what view of first-order practical

reasoning, including reasoning about political principles, we should adopt. A constructivist case against political liberalism's particularism, then, must explain how first-order practical reasoning should be construed *in the first place*. Thus, it would have to apply constructivism's standard of justification, i.e.,

> (C) *A*-type claims are correct (or are right, valid or true) if, and only if, they are acceptable by reasonable people,

at the level of claims about the nature of first-order practical reasoning. As to the view of reasonableness that such a case may employ, it would have to be thin or minimal enough not to imply from the outset that political liberalism's particularism is unreasonable. For, yet again, unless it is already established that this brand of particularism should be rejected, anything else would, it seems, beg the question against political liberals and run the risk of being dogmatic.

The higher-order constructivist case that would be needed here, then, would have to establish, but may not suppose, that political liberalism's particularist view of first-order practical reasoning should be rejected. Given that it must rely on a suitably minimal view of reasonableness, it could in turn claim its conclusions to be correct only if they are acceptable by political liberals (or reasonable$_{PL}$ people) as well. And to arrive at such conclusions – and to avoid begging the question and being dogmatic – it would have to avoid relying on premises that political liberals are from the outset committed to reject.

This is a tall order. Note, however, that if such a case cannot be made, or at least be credibly approximated, universalist constructivists face the problem that their commitment to justificatory universalism and normative minimalism might be arbitrary or dogmatic, or at best an expression of a conception of the good that agents *may or may not* adopt. This is not to deny that every constructivist view takes some 'materials' for granted and 'builds' its account of practical reasoning in their terms.[129] And *some* assumptions about reasonableness and what it takes to justifiably claim stretches of practical reasoning to have

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[129] As Rawls and others have often pointed out. See Rawls (1993), 89-129, esp. 103ff., and Rawls, *Lectures on the History of Moral Philosophy*, Cambridge (MA) 2000, 238-47. O'Neill emphasises Kant's metaphors of 'materials' required for 'building' an account of (practical) reason in "Reason and politics in the Kantian enterprise", "The public use of reason", and "Constructivisms in ethics", all in O'Neill (1989); see also O'Neill (2000), chapter 1; O'Neill (1996), 48-65.

authority might inevitably form part of these 'materials'. Yet the ideas of justificatory universalism and normative minimalism should not be mere 'materials' that *may or may not* be employed by a constructivist view of practical reasoning – be it for the 'domain of the political' (Rawls) or for the larger domain of morality. For this would suggest that universalist constructivists (tacitly) suppose some form of particularism at the level of thinking about first-order practical reasoning: while their universalist conceptions of first-order practical reasoning claim authority for everyone engaged in such reasoning, these very conceptions might merely reflect an (unvindicated) commitment to a universalist morality. And this, I take it, would undermine universalist constructivism's aspirations, its cogency and plausibility.

There are other possibilities. If a constructivist case against political liberalism's particularism cannot be made, I have just conjectured, universalism at the level of first-order practical reasoning might suppose particularism at the higher-order level of reasoning about first-order practical reasoning, or higher-order particularism, for short. Yet all that would really follow is that a *constructivist* case against political liberalism's particularism runs into this problem. And this might also reflect that the case needed here cannot, or not entirely, be constructivist, and hence should reject, or go beyond, the view that claims about the nature of first-order practical reasoning are correct (or right, valid or true) if, and only if, they are acceptable by reasonable people. In particular, it might suggest that what is needed here is a *perfectionist* case for the idea of justificatory universalism – whether a case that replaces higher-order constructivist arguments altogether, or, alternatively, one that supplements such arguments. I will argue later that the latter in fact comes close to something that universalist constructivists like O'Neill have reasons to endorse.

Before I turn to O'Neill, however, let me digress and briefly consider Scanlon's and Brian Barry's view of reasonableness, and the related idea of unanimity. While what I shall say, especially on unanimity, will be helpful at a later stage of my argument, the main purpose of this digression is to indicate two lines of thought that might seem plausible at first sight, but that a universalist case against political liberalism's particularism should nevertheless not employ. This will help to bring our further the challenges such a case faces.

4. *First digression: Scanlon, Barry and reasonableness*

On Scanlon's view of reasonableness, reasonable people desire to be able to justify their actions (or practices or institutions) to others on grounds (i.e., reasons or principles) that these others could not reasonably reject, given they are similarly motivated – grounds, that is, that could hence serve as a basis of informed and unforced general agreement. Scanlon takes this desire to be at the heart of moral motivation, and to suggest a standard of moral rightness. For Scanlon, roughly, acts are right only if they are prescribed by principles that others could not reasonably reject, given they share the aforementioned desire.[130] Now, I take it, Scanlon takes reasonable people to desire to be able to justify their actions to *all* others on whom they make claims. In his view, the "scope of morality" – which he appears to be equating with the scope of justification – includes "a being if the notion of justification to a being of that kind makes sense."[131] It seems, then, that Scanlon takes it to be unreasonable to reject justificatory universalism.

Barry largely follows Scanlon's view of reasonableness. Barry emphasises, however, that this view of reasonableness involves a commitment to an 'impartial perspective'. As he puts it, it would not be reasonable for someone

> to put forward a principle whose only merit was that it would be favorable to himself, his friends and relations, or those with whom he felt some kind of affinity. For it is obvious that those who were put at a relative disadvantage by such a principle would wish to reject it, and it could not possibly be said that they were being unreasonable in so doing. Thus, (...) the quest for a basis of unforced agreement with others necessitates the abandonment of partiality. Common ground can be found, if at all, only when all adopt an impartial perspective.[132]

On Scanlon's (and Barry's) view, then, reasonableness involves a desire to be

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[130] See Scanlon, "Contractualism and Utilitarianism", and Scanlon (1998), chapter 5.

[131] Scanlon, "Contractualism and Utilitarianism", 113. We shall later see that the scope of morality should not be equated with the scope of justification: see IV.7ff.

[132] Barry (1989), 290; Barry draws on Scanlon's "Contractualism and Utilitarianism"; see also Barry (1996), 67-72.

able to justify one's actions to others on grounds that they could not reasonably reject, given they share this desire; it involves the adoption of justificatory universalism and, as Barry highlights, of an 'impartial perspective'.

Consider now what Scanlon says in the following passage:

> "Reasonable" also has an established meaning, which is much closer to what I take to be basic to moral thinking. A claim about what is reasonable for a person to do presupposes a certain body of information and a certain range of reasons which are taken to be relevant, and goes on to make a claim about what these reasons, properly understood, in fact support. In the contractualist analysis of right and wrong, what is presupposed (...) is the aim of finding principles that others who share this aim could not reasonably reject. (...) Given this aim, for example, it would be unreasonable to give the interests of others no weight in deciding which principles to accept. For why should they accept principles arrived at in this way? (...)
>
> The distinction between what it would be reasonable to do in this sense and what it would be rational to do is not a technical one, but a familiar distinction in ordinary language.[133]

It is not clear what Scanlon wants to commit himself to here. Yet he seems to claim that his view of reasonableness accurately captures the meaning which the word "reasonable" has in ordinary language (he might even try to recommend that view as a view that accurately captures that meaning). As a matter of the meaning of that word, then, it would not be reasonable to reject justificatory universalism, or, to apply Barry's formulation to the case at hand, to put forward principles whose only merit was that they would be favourable to reasonable$_{PL}$ people, but not to everyone for whom they claim authority. Hence, it seems, it would be unreasonable to be reasonable$_{PL}$.

Yet, I believe, Scanlon's view of reasonableness does not capture the meaning of the word "reasonable" – or, rather, his view is consistent with that meaning insofar as his view is one possible *conception* of reasonableness, i.e., a universalist one. Claims like "It would be unreasonable to reject justificatory

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[133] Scanlon (1998), 192.

universalism" or "It would be unreasonable to put forward principles whose only merit was that they would be favourable to some, but not all, others for whom they claim authority" are not analytically true – that is, if true, they are not true merely in virtue of the meaning of the word "reasonable;" they express substantive value judgements about reasonableness. If that is so, Scanlon's claim that his view of reasonableness accurately captures the meaning of the word "reasonable" simply reflects his assumption that our substantive value judgements about reasonableness converge. Considering political liberalism, though, this assumption seems mistaken.

As to the meaning of the word "reasonable," Margaret Moore, I believe, is (approximately) right when she writes:

> The idea of being reasonable, at least in ordinary discourse, involves the idea of offering reasons for one's actions and being prepared to listen to and be persuaded by the reasons of others. This practice of reason-giving, which defines the reasonable person, presupposes that others are worthy of reason-giving and some minimum consideration, but it is also compatible with highly partial reasons. Indeed, many of the reasons that people offer to justify their actions are inextricably linked to the things that they deem important from the personal perspective, such as their own desires, aims and ends.[134]

On this view, being reasonable involves a commitment to a practice of justification, or, as Moore puts it, of reason-giving; and reasonable people assume that others 'are worthy of reason-giving and some minimum consideration'. But this leaves open how the reasonable pursue their commitment to give reasons, and whom they include in their practice of reason-giving. Thus, it does not imply that the reasonable are committed to justify their views to *all* others for whom their views claim authority.[135] *A fortiori*, it does not imply that they are committed to

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[134] Moore, "On Reasonableness", 171.

[135] Recall that political liberalism's particularism is coherent with its aim of arguing from good (public) reasons: the commitment to give reasons is distinct from a commitment to give reasons that are acceptable as reasons by all others for whom these reasons, or what these reasons claim to be reasons for, claim authority – unless we already suppose that reasons can be good reasons only if they are acceptable within a correspondingly inclusive scope.

justify their views to these others by arguing from grounds that are reasonably unrejectable from an 'impartial perspective'. Reasonable people *may or may not* commit themselves to these things. In challenging Barry's view that the desire to be able to justify our actions to others on reasonably unrejectable grounds commits us to take up an 'impartial perspective', Moore accordingly observes:

> If being reasonable may encompass partial reasons, (...) then, even if Barry is right that people exhibit a tendency to justify their actions to others, it doesn't follow that they test these actions from the impartial perspective embedded in [Barry's] 'reasonably reject' criterion. It merely means that they offer reasons for their actions.[136]

Thus, even if people desire to be able to justify their actions to others on grounds that could not reasonably be rejected, their view of what grounds have that property might reflect a merely 'partial' standpoint (e.g., the standpoint of their society, culture, religion and so forth), rather than a standpoint that all others for whom their views claim authority may be expected to endorse.

In short, it seems that Scanlon advances a view of reasonableness that adds substantive elements to the meaning the word "reasonable" has in ordinary language – elements, that is, that are consistent with, but not implied by, the meaning of that word. Now perhaps political liberals should endorse Scanlon's view of reasonableness, and recast their view of public justification accordingly. To establish that this is so, however, requires more than an appeal to the meaning of the word "reasonable." It asks for substantive arguments that show why political liberals should accept, e.g., justificatory universalism. Rejecting political liberalism's particularism by taking for granted that "reasonable" must be construed along Scanlon's or Barry's lines, then, would beg the question against political liberals and run the risk of being dogmatic.

5. *Second digression: reasonableness, unanimity*

Still, Scanlon's (and Barry's) view of reasonableness suggests something that Moore does not duly highlight, but that, I submit, is part of the meaning which the word "reasonable" has in ordinary language: reasonable people seek *unanimity*. If

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[136] *Ibid.*, 172.

that is so, is it unreasonable to be reasonable$_{PL}$?

It is tempting to answer affirmatively. I take it that we do not seek just any kind of unanimity – e.g., seeking unanimity that is based on manipulation is, it seems, itself unreasonable. Rather, we seek unanimity on the basis of reasoned convergence in judgement. Now, I have argued, political liberals suppose that reasonable$_{PL}$ people may browbeat, ignore or override unreasonable$_{PL}$ objections. But this seems inconsistent with what it takes to seek reasoned convergence in judgement in cases of unreasonable$_{PL}$ disagreement. Thus, it would seem, reasonable$_{PL}$ people do not seek unanimity with the unreasonable$_{PL}$. Hence, it is tempting to conclude, it is in such cases unreasonable to be reasonable$_{PL}$.

Despite its initial appeal, this line of thought gets things backwards: it supposes that a case for the unreasonableness of reasonableness$_{PL}$ is at hand. To begin with, let us grant, that reasonable$_{PL}$ people seek unanimity with the unreasonable$_{PL}$ runs up against political liberalism's view of public justification *if* seeking unanimity with others is or implies seeking to justify things to them. But these two things are conceptually distinct. Reasonable people *may or may not* construe unanimity as justification: while agreeing that unanimity is worth seeking, they might disagree about the role that this aim should play in practical reasoning. Thomas Nagel refers to two possible roles as follows:

> [T]he search for legitimacy is a search for unanimity (...) about the controlling framework within which more controversial decisions will be made. The unanimity in question is neither actual unanimity among persons with the motives they happen to have, nor the kind of ideal unanimity that simply follows from there being a single right answer which everyone ought to accept because it is independently right, but something in between: a unanimity which could be achieved among persons, provided they were also reasonable and committed within reason to modifying their claims, requirements, and motives in a direction which makes a common framework of justification possible. (...)

> If such hypothetical unanimity were discoverable, it would explain the rightness of the answer rather than being explained by it. That is, (...) the right result would be discoverable only by finding that different persons,

reasoning from their different perspectives, will converge on it.[137]

Nagel's heading "hypothetical unanimity," I take it, refers to a species of what we might call *constitutive* conceptions of unanimity: such views construe reasoned convergence in judgement, or some form of reasoned convergence in judgement, as a standard of justification, and so as something that constitutes, or can constitute, the rightness of the intended object of unanimity. Nagel's heading "ideal unanimity," in turn, refers to a *consequential* conception of unanimity: such views do not take reasoned convergence in judgement to be a standard of justification, but, rather, construe the kind of convergence in judgement worth seeking as something that would flow from, or be a consequence of, appreciation of the (assumed) rightness of the intended object of unanimity.[138]

On a constitutive view of unanimity, seeking unanimity is, or can be, seeking justification. On a consequential view of unanimity, it neither is nor implies seeking justification. It does not mean to find out what is right in the first place, but, rather, comes down to the attempt to make others appreciate what, it is already assumed, is right. Apply this to the case at hand. I have in effect granted that political liberalism's view of public justification rules out that reasonable$_{PL}$ people seek *constitutive* unanimity with the unreasonable$_{PL}$. This does not seem to rule out, though, that they seek *consequential* unanimity with them: for instance, they might, without justifying reasonableness$_{PL}$ or trying to convince the unreasonable$_{PL}$, seek to make the latter believe that it is unreasonable to reject

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[137] Nagel (1991), 33f.

[138] Constructivism construes (some form of) unanimity in constitutive terms. E.g., following Kant, Nagel takes what he calls 'hypothetical' unanimity to be a standard of justification. See *ibid*., 33-52. Those who reject constructivism, e.g., moral realists and perfectionists, would construe it in consequential terms. E.g., for Plato, unanimity about who is to rule is a condition of (political) justice. Yet while a philosopher king thus has reasons to bring about unanimity, any failure to agree with him would merely reflect the limitations of those who disagree. (Cp. Plato, *The Republic*. Translated with an Introduction by Desmond Lee, London 1987, 142ff. (431d-434d)) Note also that I do not take the meaning of the word 'reasonable' to determine whether unanimity must be construed in constitutive or consequential terms. Nor do I take that meaning to rule out that we might adopt a limited constitutive view of unanimity that applies to some, but not to all, (practical) views *and* a limited consequential view of unanimity that, again, applies to some, but not to all, (practical) views.

what cannot be rejected reasonably$_{PL}$, or to accept what cannot be accepted reasonably$_{PL}$.

Cross this with another observation. I take it that reasoned views to the effect that some agent should do or believe something normally involve at least three kinds of views. First, of course, there is the view that the agent in question should do or believe something:

(i) X should Φ.

Second, we endorse a view (or set of views) that reflects the reason why, we take it, X should Φ:

(ii) X should Φ for the reason R.

Not least, third, we endorse a view (or set of views) that reflects a standard that, we believe, shows (or explains or justifies) why the reason referred to in (ii) is a good reason to Φ:

(iii) S shows (explains, justifies) why R should be observed by X.

Accordingly, unanimity can have distinct levels or stages. I shall call cases where we converge at the level of views like (i), so agree about what others should do or believe, cases of *weak* unanimity. Yet we can agree at that level, but disagree about the reasons why others should do or believe what, we take it, they should do or believe. Let me call cases where we converge at the level of views like (ii), so agree about the reasons that, we take it, others should observe, cases of *strong* unanimity. Again, we can agree at this level while disagreeing about the standards by which, we take it, these reasons are good reasons. Paul might believe that X should observe R since R reflects god's will; Betty might believe that R is justified by the goal of human perfection; I might believe that R cannot be rejected reasonably$_{PL}$. Let us say, then, that *deep* unanimity obtains when we converge at the level of views like (iii), so agree about the standards by which, we take it, reasons to do or believe certain things are good reasons.[139]

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[139] This does not rule out that unanimity can have more than these three stages. E.g., there can be cases where we achieve weak, strong and deep unanimity (call them cases of comprehensive unanimity); and we might achieve not only deep unanimity but also convergence at the level of background theories that underpin the standards by which, we take it, reasons to do

Is browbeating, ignoring or overriding unreasonable$_{PL}$ objections inconsistent with what it takes to seek unanimity with those who object unreasonably$_{PL}$? I have already granted that it is inconsistent with what it takes to seek constitutive unanimity. And, perhaps, it might also be inconsistent with what it takes to seek deep consequential unanimity. Still, the reasonable$_{PL}$ might seek weak or strong consequential unanimity with the unreasonable$_{PL}$: that it is not unreasonable$_{PL}$ to browbeat, ignore or override unreasonable$_{PL}$ objections does not imply that it is unreasonable$_{PL}$ to seek weak or strong consequential unanimity with those who raise such objections. Accordingly, political liberals insist that the unreasonable$_{PL}$ should be addressed discursively (but not in the mode of public justification): thus, they do not deny that there is *some* reason to make the unreasonable$_{PL}$ accept reasonable$_{PL}$ views.

Hence, unless it is supposed that the reasonable$_{PL}$ must seek constitutive unanimity with the unreasonable$_{PL}$, or that they should seek deep consequential unanimity with them, the aim of unanimity does not make it unreasonable to be reasonable$_{PL}$. Yet supposing, but not establishing, these things would beg the question against political liberals; and it would run the risk of being dogmatic. I conclude that the line of thought with which this section started fails to ground, but would already have to draw on, a case for the unreasonableness of reasonableness$_{PL}$.

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or believe certain things are good reasons (if we want to refer to these two things as distinct stages of unanimity, we might refer to the latter as, say, *wide* unanimity). Note also that I leave open whether unanimity at higher stages requires unanimity at lower stages: thus, I do not suppose that, e.g., deep unanimity can be reached only if there is strong unanimity, or that strong unanimity can be reached only if there is weak unanimity. All that I need now is that, at least in the case at hand (see next paragraph), lower stages of unanimity do not require higher stages of unanimity.

B. O'Neill and practical reasoning

6. Introduction

O'Neill's views are relevant here for two reasons. First, she not only advances a universalist and constructivist (or, as she calls it, a 'Kantian' or 'critical') view of first-order practical reasoning, but also seeks to justify why first-order practical reasoning should be construed in universalist and constructivist terms *in the first place*. Second, she construes the justification of that view in constructivist terms, and, accordingly, commits herself to argue from premises that are acceptable by political liberals (or the reasonable$_{PL}$) as well. If the arguments she puts forward here meet her own standards, then, they will provide the sort of case against political liberalism's particularism that we would need. Accordingly, I shall focus on these arguments, and so leave aside many aspects of O'Neill's work that do not bear on them.

   To fix ideas. O'Neill advances views on the structure and scope of practical reasoning. As to the structure of practical reasoning, she claims that practical reasoning must be 'followable' (or acceptable and adoptable, or, as she sometimes puts it, 'accessible and acceptable' or 'accessible and cogent' or 'intelligible and adoptable') by the 'relevant others'. As to the scope of practical reasoning, she in effect claims that the 'relevant others' are all others to whom stretches of practical reasoning apply, or for whom they claim authority. On that basis, she rejects 'Platonist', 'instrumental' and particularist views of practical reasoning, and recommends her own, 'Kantian' or 'critical' view of practical reasoning. According to O'Neill, 'Platonist', 'instrumental' and particularist practical reasoning is not, but 'Kantian' or 'critical' practical reasoning is, followable by the relevant others. Now her requirement of followability, or some version of it, applies to substantive, first-order practical reasoning *and* higher-order practical reasoning about the nature of such reasoning. By her own lights, therefore, her view of practical reasoning *and* her arguments against the views of practical reasoning that she attacks must be followable by all others for whom these arguments claim authority – including political liberals (or the reasonable$_{PL}$). If O'Neill's case can be made in followable terms, then, the latter would have to abandon their particularism – for reasons acceptable by them.

I shall examine key aspects of O'Neill's view of what it takes to reason followably in the next part of my discussion. Her view of the scope of practical reasoning will be discussed in part IV of my discussion. For now, some critical and clarifying comments are in order as O'Neill is sometimes opaque. At the surface of things, it is not really clear why she rejects 'Platonist', 'instrumental' and particularist views of practical reasoning, or in what way they (allegedly) fail to be followable. In fact, her case against these views seems *incoherent*. Explaining why this is so is of independent interest, given the ambitious scope of O'Neill's case. It also helps to carve out a reading of her views that suggests what might be a promising objection against political liberalism's particularism. In sections II.8 and II.9, then, I shall address what appears to be O'Neill's main objection against 'Platonist', 'instrumental' and particularist views of practical reasoning; II.10 and II.11 move toward, and spell out, what I shall in what follows take to be O'Neill objection against political liberalism.

As O'Neill relies on her notion of followability in attacking 'Platonist', 'instrumental' and particularist views of practical reasoning, let me preface things with a brief remark on that notion.

7. *Followability*

Despite the role the notion of followability plays in O'Neill's thinking about practical reasoning, it is difficult to pin down what she means with that notion. Here, however, is an attempt to capture her main idea.

For O'Neill, substantive, first-order practical reasoning must be followable in a two-fold sense: it must be followable 'in action' and 'in thought'.[140] Stretches of practical reasoning are followable in action only if the relevant others could act on them, or, as she often puts it, 'could adopt' them to guide their actions and activities. Stretches of practical reasoning are followable in thought only if they are 'intelligible' or 'accessible and acceptable', or, what seems to best bring out the point, only if they can, or at least could, coherently be accepted by the relevant others. Thus, for O'Neill, the answer to the question of what it takes for practical reasoning to be followable has two parts:

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[140] See O'Neill (1996), 57f., 60ff.; O'Neill (2000), 24ff., and "Ethical Reasoning and Ideological Pluralism".

> The first part is that for a principle to be followable by others is a matter of being *followable in thought*. Here the demand is for *intelligibility*. I do not reason with others if the ways in which I structure my attempted communication or interaction are ones which I hold to be unfollowable in thought, hence unintelligible, in general or specifically for those others who are to follow the reasoning. (...)

> The second element of an answer to the question 'What does it take for a principle to be followable?' goes beyond intelligibility. Practical reasoning cannot aim only at intelligibility, which is the proper object of theoretical understanding. It must *also* aim to recommend or prescribe action, to warn against or proscribe action: it must be action guiding. Proposals for action will therefore not be reasoned unless they are not only intelligible, but real possibilities for those who are to be offered reasons for certain recommendations or prescriptions, warnings or proscriptions.[141]

Note, however, that O'Neill believes that *all* reasoning must at least be followable in thought.[142] In her view, followability is not merely a requirement of first-order practical reasoning. Rather, she construes it as a requirement of *reasoning*, and holds that first-order practical reasoning meets that requirement only if it is followable both in thought and in action.

The above, while meagre, suffices for the purposes of the following sections. Before I move on, though, a cautionary remark on followability in thought is in place, though I postpone elaborating on the issue until III.2. O'Neill,

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[141] O'Neill (1996), 57f. O'Neill tends to explain "followability" in terms that are often unclear themselves. E.g., take her notion of intelligibility. On one usage of that notion, claims are intelligible if the things they refer to exist (whether or not these claims are true), or if what they prescribe can be done or be brought about (whether or not these claims are acceptable). Yet, I take it, this sense is too weak for O'Neill. She seems to bring in a stronger sense of the notion when she claims that intelligibility is "the proper object of theoretical understanding," but it is not clear what that sense is. Given that 'the proper object of' theoretical reasoning is truth, we might take claims to be intelligible in this stronger sense if, say, there are (good) reasons to believe that they are true. Yet O'Neill takes some moral claims to be intelligible, while she rejects 'Platonism' and moral realism (see below and *ibid.*, 49ff.); and she does not advance (yet also does not reject) an anti-realist view of truth. We are left with her view of intelligibility, and of followability in thought, as a matter of what others can, or could, coherently accept.

[142] See O'Neill (1996), 57; O'Neill (2000), 24ff.

we shall see, takes the requirement of followability in thought to impose restrictions on our (practical) reasoning. Yet it remains unclear what restrictions it may be claimed to impose, or when reasoning may, or may not, be claimed to be such that the relevant others *can*, or *could*, coherently accept it.[143] There certainly is a sense in which I 'could coherently accept' almost any view or stretch of reasoning, *S*, that is itself locally coherent – i.e., I 'could coherently accept' *S* as long as there is some set of beliefs such that it is conceivable that I adopt that set, while adopting it would not make it incoherent for me to accept *S* (whether or not adopting that set is a genuine intellectual or psychological option for me). E.g., I 'could coherently accept' that sharia is superior to liberal democracy as this view is locally coherent and it is conceivable that I could convert to Islamic fundamentalism (even if this is not a genuine intellectual and psychological option for me). It seems, then, that the requirement of followability in thought should be qualified.

The closest O'Neill comes to qualifying that requirement is when she writes:

> In proposing as reasonable only principles of action that are followable by the relevant others – whether those in a more inclusive or only those in a more restricted sphere – practical reasoners need (...) judge only that *the principle itself is followable by all in that sphere*, in the sense that its universal adoption in the relevant domain would not be incoherent. The requirement that reasoned principles be such that all others (in a restricted or an inclusive domain) *could* adopt them demands (...) that they be judged *principles which could coherently be adopted by all*.[144]

This will not do. All that this suggests for the case of followability in thought is

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[143] O'Neill's "Between Consenting Adults" (in O'Neill (1989), esp. 106-117) in effect suggests that followability in thought is not a matter of actual or hypothetical, but of possible consent. Yet she does not explain when reasoning may, or may not, be claimed to be the subject of possible consent. O'Neill also rejects 'idealising' views of practical reasoning. Apparently, then, the fact that X would reject (accept) *S* if his reasoning, or, say, his overall point of view, lived up to some (allegedly) ideal conditions does not necessarily show that *S* is not (is) followable in thought by X. On idealisation, see below and O'Neill (1996), 39-44, and her "Abstraction, Idealization and Ideology in Ethics", in J. G. D. Evans (ed.), *Moral Philosophy and Contemporary Problems*, Cambridge 1988.

[144] O'Neill (1996), 58f.

that we may claim our reasoning to be followable in thought only if we can judge it to be coherent that *all* relevant others – i.e., all others for whom our reasoning claims authority – follow our reasoning in thought. But this does not tell us when we may, or may not, judge that *any* of them can, or could, accept our reasoning.

I shall come back to this problem later. What we need for now is that, for O'Neill, all reasoning must be followable in thought, while first-order practical reasoning must be followable both in thought and in action.

8. *Conceptions of practical reasoning, followability* (I)

Turning now to O'Neill's reason to reject 'Platonist', 'instrumental' and particularist conceptions of practical reasoning, I shall begin with her characterisation of these conceptions. In her view, then, 'Platonists' (she at least includes perfectionists and moral realists "of various sorts" in this category) take it that "reasoned action is oriented by objective ends, such as real moral properties or metaphysically grounded ideals."[145] 'Instrumental' views of practical reasoning hold that "reasoned action is oriented by subjective ends, such as subjective conceptions of the good, preferences, desires, assisted by means ends reasoning." Particularist views of practical reasoning hold that "reasoned action is informed by actual norms and commitments."[146] O'Neill elaborates on particularist views as follows:

> [Particularists] hope to orient ethical reasoning without appeal to universal principles of inclusive scope, or more generally without claims about what would be good, or right, or obligatory for all human lives, or about ideals that are relevant for all. For the most part they seek to anchor ethical claims by appeal to actual practices or traditions or patterns of judgement of particular communities or, more radically, without looking beyond the particular sensibilities, attachments or judgements of individuals in particular situations. Some (...) particularists allow that there can be ethical

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[145] For these two and the following quotations: see O'Neill (1996), 49f.

[146] These views of practical reasoning – as much as O'Neill's own view (see below) – correspond to distinct views of the reasonableness of people; after all, it seem trivial to say that people are unreasonable if they do not reason practically in ways in which they should (or may) reason practically.

principles, and indeed that these principles can be of universal *form*, but insist that none of them are inclusive, i.e., that none has more-or-less cosmopolitan scope.[147]

Considering political liberalism, we may add that some particularists, while denying neither that there are moral principles, nor that such principles can be universal in form, nevertheless hold that such principles do not need to be justifiable to all others to whom they apply, but only to those others who pass certain unvindicated, substantive threshold tests of reasonableness.

O'Neill refers to her own construal of practical reasoning as a 'Kantian' or 'critical' conception of practical reasoning. Such conceptions assume practical reasoning may claim authority *merely* in virtue of being followable by the relevant others.[148] A Kantian or critical conception,

> [l]ike [particularist] accounts of practical reasoning, (...) does not take the efficient pursuit either of actual or ascribed preferences as intrinsically rational. Unlike [particularist] conceptions of reason, [it] does not take the expression of the basic norms of a community or of one's own personal commitments as intrinsically rational. Like Platonist conceptions of practical reason, [it] take[s] it that reason affords a critical view of actual preferences, norms and commitments; unlike Platonist conceptions of reason, [it] takes it that the substance of reason's demand is not given to us but has to be constructed without arbitrarily taking elements of self and community as premises.[149]

Fair enough. Yet why should we construe practical reasoning in O'Neill's Kantian terms? The vindication of a critical conception of practical reasoning, O'Neill replies, "is simply that it meets [the requirement of followability], and that the other conceptions of practical reasoning considered do not."[150] "[A]nything that is to count as reasoning," she insists, "must be followable by the

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[147] *Ibid.*, 13; *ibid.*, 16-23, 56f., 66-89.

[148] *Ibid.*, 50ff.

[149] O'Neill (2000), 26.

[150] *Ibid.*, 26.

relevant others," or "*must* be such that others *can* follow it."[151] Thus, practical reasoning must

> *be followable by others for whom it is to count as reasoning*. Ways of organizing action and thinking about action that are expected to fail this minimal standard can hardly count as reasoned. Those who organise action or thinking about action in ways which they take not to be followable by some of those who are to follow, even be convinced by, their claims offer those others no reasons. What they say or do will appear arbitrary to those others.

> Yet each of the three conceptions of practical reason discussed so far [i.e., Platonist, instrumental and particularist views] fails this elementary standard. Appeals to practical reasoning that is (supposedly) oriented by some conception of the objectively good will be arbitrary unless the necessary metaphysics that establish that objective good and knowledge of it is available: those *who do not accept* the appropriate metaphysical and other arguments and positions may find proposals that depend on invoking them at worst incomprehensible and at best conditionally reasoned. Appeals to merely instrumental practical reasoning that subserves subjective ends are barefacedly arbitrary: they will seem at worst incomprehensible and at best conditionally reasoned to those who *do not share* those ends, or *do not think* them of value. (...) Equally, appeals to the actual norms of a society or tradition, or to the actual sensibilities, attachments and commitments of individuals will seem at worst incomprehensible to those who *do not grasp* those norms and commitments and at best merely conditionally reasoned to those who grasp *but do not share* them; in either case they will seem arbitrary.[152]

O'Neill believes that her Kantian view of practical reasoning is suitably followable by the relevant others and so can ground an "adequate" conception of practical reasoning.[153]

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[151] O'Neill (1996), 3; O'Neill (2000), 24.

[152] O'Neill (1996), 51. All italics, except the first, are mine.

[153] *Ibid.*, 51ff. As far as I can see, O'Neill's standard of adequacy *is* the standard of

Now the passage just quoted provides an exemplary statement of O'Neill's main objection against Platonist, instrumental and particularist conceptions of practical reasoning. Yet it is unclear what objection it states. In fact, it seems to state no objection at all, or else to state an objection that is not available for O'Neill. Let me now and in the next section address this objection. This will clear the path to outline at a more specific level what, for O'Neill, it takes for practical reasoning to be suitably followable (II.10) – which, in turn, will allow us to identify what, on her view, would be wrong with political liberalism's particularism (II.11).[154]

Consider a minor issue first. O'Neill's key claim is the claim that practical reasoning 'can count as reasoned' only if it is followable by the relevant others. Now, she implies above that Platonist, instrumental and particularist reasoning *fails* to be followable, and so 'can hardly count as reasoned', since it makes assumptions that *are not* accepted (or shared) by some relevant others. This is puzzling, for this view is plainly false. The mere fact that I do not accept your reasoning, or some assumptions it makes, does not show that it 'can hardly count as reasoned'. All it shows is that I do not agree. And, we may add, even if you seek but fail to reason with me in ways that I will accept (or that are acceptable by me), that fact would not show that you did not *reason*, but, rather, that you did not reason *in a particular way*. Next, there is a sense in which reasoning that is *expected* not to be accepted, even not to be acceptable, by some relevant others can 'count as reasoned'. You might know that I would not come around to accepting your premises and your conclusion as, say, they run up against my sense of who I am. Yet your argument can still be, and be recognised by me as, e.g., valid, intelligent, thoughtful and, of course, reasoned – while I am committed to reject, or to only conditionally accept, what you say.[155] Thus, if practical reasoning can 'count as reasoned' only if it is followable by the relevant others, the fact that some relevant others do not accept, or may be expected not to accept *S* cannot by itself show that *S* fails to be followable. Hence, it cannot by itself show that Platonist, instrumental and particularist reasoning fails to be followable.

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followability.

[154] For now, I set aside the possibility of particularist forms of constructivism. On how O'Neill's objection applies to political liberalism: see section 11.

[155] O'Neill concedes this point. See next paragraph and O'Neill (2000), 24.

More important, O'Neill implies that practical reasoning that can only conditionally be accepted by some relevant others – or that, as she puts it, is merely conditionally reasoned – fails to meet the requirement of followability. And this concedes that reasoning *can* 'count as reasoned', i.e., as conditionally *reasoned*, even though it does *not* meet that requirement. Hence, there seem to be two notions of followability at work here – or, for that matter, of what it means for thought to be reasoned: a *weak* notion that allows merely conditionally reasoned thought to be reasoned and hence to be followable, and a *strong* notion that does *not* allow merely conditionally reasoned thought to be followable, and so does *not* allow it to be reasoned. O'Neill says:

> With others who share many specific beliefs the requirement [of followability in thought] is readily met. But where they do not, it will be demanding. *Reasoning* across social and ideological boundaries will often achieve conditional rationality. What both *can follow* will have a conditional structure *although* it may be that only those of one persuasion are willing to affirm the antecedent of the conditionals which both find intelligible.[156]

This employs a weak notion of followability, or of what it means for thought to be reasoned: it implies that merely conditionally reasoned thought can be reasoned and hence followable, while what is followable 'will have a conditional structure'. O'Neill's objection to Platonist, instrumental and particularist reasoning, by contrast, employs a strong notion of followability, or of what it means for thought to be reasoned. For she insists that since such reasoning makes assumptions that are not accepted (acceptable) by some relevant others, it does *not* meet the requirement of followability, and so 'can hardly count as reasoned'. Yet such reasoning can be, and be recognised as, conditionally reasoned – and so can be reasoned and followable in the first, weak sense of whatever that takes.

It emerges that O'Neill's key claim that practical reasoning can 'count as reasoned' only if it is followable by the relevant others is ambiguous. On a weak reading, it allows Platonist, instrumental and particularist reasoning to 'count as reasoned' and so to be followable – even though some relevant others can only conditionally accept that reasoning. This, however, would not yield the objection

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[156] *Ibid.*, 24. All italics are mine.

against Platonist, instrumental and particularist views of practical reasoning that O'Neill requires. On a strong reading of that claim, by contrast, practical reasoning that can only conditionally be accepted by some relevant others, or that is merely conditionally reasoned, fails to meet the requirement of followability, and so 'can hardly count as reasoned'. Platonist, instrumental and particularist reasoning would thus not meet that requirement. As this is what O'Neill's objection suggests, we should read her key claim in the strong sense.

Problems ensue. O'Neill does not actually defend, but merely suggests or supposes, that practical reasoning can 'count as reasoned' only if it is followable by the relevant others. Thus, she seems to take her key claim to be sufficiently plausible or obvious in its own right. But it is controversial – at least if we are to read it in the requisite strong sense. True, it is plausible, even trivial, to claim (i) that reasonable people seek to ensure that their reasoning can 'count as reasoned', and (ii) that they seek to reason in ways that are, at least in *some* sense, acceptable by other people.[157] Yet (i) and (ii) do not add up to anything that would imply that Platonist, instrumental and particularist reasoning 'can hardly count as reasoned'. What (i) and (ii) might add up to, if anything, is that such reasoning must be followable in the *weak* sense – i.e., a sense that allows such reasoning to 'count as reasoned', and so to be followable. As far as O'Neill's arguments go, then, proponents of Platonist, instrumental and particularist views of practical reasoning are at liberty to reject her key claim on its strong reading.

More damaging, the strong reading seems to render O'Neill's key claim self-defeating. For proponents of Platonist, instrumental and particularist views of practical reasoning are, it would seem, committed to reject, or could only conditionally accept, that claim. Consequently, that claim *itself* would fail to meet the requirement of followability. This is so at least if

> (i) the fact that some relevant others reject, or could only conditionally accept, *S* shows that *S* fails to meet the requirement of followability;

> (ii) proponents of Platonist, instrumental and particularist conceptions of

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[157] (i) speaks for itself. As to (ii), reasonable people, I have suggested above, seek unanimity. And while this leaves open what role they accord to unanimity, and what stages of unanimity they seek, it suggests that they seek to reason in ways that are, at least in *some* sense, acceptable by other people.

practical reasoning are relevant others;

(iii) the claim that practical reasoning can 'count as reasoned' only if it is (strongly) followable by the relevant others must itself be (strongly) followable by the relevant others.

It is difficult to see how O'Neill could reject any of these claims. If O'Neill rejects (i), she must concede that Platonist, instrumental and particularist conceptions of practical reasoning meet the requirement of followability. And if her objection is to 'count as reasoned' for proponents of these conceptions as well, she would have to accept (ii). As to (iii), her claim that practical reasoning can 'count as reasoned' only if it is (strongly) followable by the relevant others applies to itself. To say the least, O'Neill neither argues, nor seems to assume, that her own key view of practical reasoning may be held to a weaker standard than the conceptions of practical reasoning that she rejects.

This suggests that, at least at first sight, O'Neill's objection against Platonist, instrumental and particularist conceptions of practical reasoning is incoherent. It rests on the claim that practical reasoning 'can count as reasoned' only if it is followable by the relevant others. Yet, it seems, this claim either is too weak to yield an objection against Platonist, instrumental and particularist views of practical reasoning, or else is self-defeating, and so rules out O'Neill's own, Kantian view of practical reasoning.

9. *Conceptions of practical reasoning, followability* (II)

Let me now sketch a re-reading of O'Neill's objection that, it seems to me, better reflects what that objection is really about.

To begin by specifying what I take to be the aim of, and the organising idea behind, O'Neill's objection. O'Neill, it seems to me, does not actually try to explain why Platonist, instrumental and particularist reasoning is not reasoned. Instead, I submit, she tries to persuade us that practical reasoning should be *publicly* reasoned, and hence should employ *public* reasons. Now public reasons, in Postema's terms, "are reasons *for each* in virtue of being reasons for *all* of us."[158] Applied to the case at hand, some consideration, C, is a (public) reason to

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[158] Postema, "Public Practical Reason: Political Practice", 349.

believe or do something, Φ, *for each* relevant other only if, and in virtue of being such that, *all* relevant others can follow in thought, or can accept, that C is a reason to Φ. Hence, if some relevant others cannot accept that C is a reason to Φ, stretches of reasoning that construe or offer or rely on C as a reason to Φ can, to paraphrase O'Neill, 'hardly count as reasoned' in the sense that they can hardly count as *publicly* reasoned. And where reasoners do not offer the relevant others considerations as reasons that the latter can accept as reasons, 'their claims', to again paraphrase her, 'offer those others no reasons' insofar as they offer them no *public* reasons. With the exception of the (crucial) qualifier 'public', this is what O'Neill appears to be saying.[159]

This suggests we read O'Neill's key claim in the first instance as a claim about what it takes for practical reasoning to be publicly reasoned. And the claim that such reasoning, to count as publicly reasoned, must be followable in thought by the relevant others is trivial: it simply states a condition of what makes practical reasoning public. Considering the critical thrust of her key claim, however, O'Neill seems to also insist that practical reasoning may count as, say, truly or genuinely reasoned *only if it is publicly reasoned* (in any other case, she suggests, it is merely arbitrary). On this interpretation, O'Neill's key claim is not, as she initially suggests, a plausible or obvious claim about what it takes for practical reasoning to be reasoned. Instead, it merges a (trivial) view of what makes practical reasoning public with a (controversial) demand to the effect that we should reason publicly.

The organising idea behind O'Neill's objection, then, seems to be this. Her point is not that Platonist, instrumental and particularist practical reasoning fails to be reasoned. Instead, her point is that such reasoning is not suitably followable in thought, and so fails to be *publicly* reasoned. For, she seems to believe, Platonist, instrumental and particularist practical reasoning construes or offers or relies on certain considerations as reasons – i.e., as reasons to believe or do certain things – even though, she takes it, some relevant others do not, or cannot, accept these considerations as such reasons. It is evidently from this that she infers, first, that such reasoning fails to be public, and so is not genuinely reasoned, but arbitrary, and second, that Platonist, instrumental and particularist

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[159] O'Neill embraces Kant's view of public reason, see O'Neill (1996), 59ff.; O'Neill (2000), 24ff.

conceptions of practical reasoning must be rejected.

Now O'Neill does not show why first-order practical reasoning must be public in the first place. Thus, all that her objection achieves is to tell us that Platonist, instrumental and particularist conceptions of practical reasoning must be rejected *if* practical reasoning must be public. But this would require her to regard that objection as inconclusive. Her objection, I take it, is located at the level of higher-order practical reasoning about the nature of substantive, first-order practical reasoning. Thus, O'Neill faces the task of convincing proponents of Platonist, instrumental and particularist conceptions of first-order practical reasoning of her view that their conceptions are deficient. Now O'Neill, I suggested, takes it that *practical reasoning* must be public – *including* higher-order practical reasoning.[160] Hence, she is committed to the view that considerations are reasons for or against *conceptions of first-order practical reasoning* only if, and in virtue of being such that, the relevant others can accept them as such reasons. Proponents of these conceptions, however, are, it would seem, committed to *reject*, or could only conditionally accept, that the consideration that Platonist, instrumental and particularist first-order practical reasoning fails to be public *is* a reason to reject these conceptions. Yet O'Neill does not show why first-order practical reasoning must be public in the first place. Thus, she does not show why that consideration may nevertheless be construed as such a reason. Consequently, by her own lights, she may not construe that consideration as such a reason. It follows that O'Neill must concede that Platonist, instrumental and particularist views of practical reason remain serious competitors.

Finally, the above reflects that O'Neill adopts constructivism at the level of both first-order and higher-order practical reasoning. I attributed to O'Neill the view that some consideration is a (public) reason to believe or do something for each relevant other *only if*, and *in virtue of* being such that, all relevant others can accept that consideration as such a reason. And her critical view of practical reasoning holds that practical reasoning may claim authority *merely* in virtue of

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[160] While O'Neill requires both first-order and higher-order practical reasoning to be public, she never clearly distinguishes between these levels of practical reasoning – she distinguishes instead between 'constructing ethics' and 'constructing practical reason': see O'Neill (1996), 59ff.

being followable. Taken together, this suggests something like:

> (i) Stretches of substantive, first-order practical reasoning may claim authority if, and only if, they are followable in thought and in action, or can, or could, be accepted and be acted on, by the relevant others.

> (ii) Stretches of higher-order practical reasoning may claim authority if, and only if, they are followable in thought, or can, or could, be accepted by the relevant others.

(i) and (ii) amount to an application of (C), i.e., constructivism's standard of justification,

> (C) *A*-type claims are correct (or are right, valid or true) if, and only if, they are acceptable by reasonable people,

at the level of first-order and higher-order practical reasoning. True, (i) and (ii) do not (openly) refer to reasonable people, but there is a notion of reasonableness in their background. This is so in three respects. First, as a whole, O'Neill's view of practical reasoning lays out a view of reasonableness. Second, O'Neill seeks to work out what moral principles can be justified (or 'be proposed') as *reasonable*.[161] On the assumption that *S* is reasonable if, and only if, *S* is acceptable by reasonable people, it would follow that, in seeking to identify reasonable principles, O'Neill seeks to identify principles that are acceptable by reasonable people. The third respect concerns the scope of practical reasoning. I suppose here and below that O'Neill's reference to 'relevant others' is best understood as a reference to reasonable others who qualify as relevant others depending on whether stretches of practical reasoning claim authority for them. Unfortunately, O'Neill never makes explicit what view of reasonableness she supposes (this marks an issue that I shall come back to). For now, it is safe to assume that it would be on her lines to construe reasonableness in thin, rather than thick, terms (i.e., O'Neill adopts normative minimalism).

10. *Aspects of suitably followable reasoning*

We have seen that O'Neill's case fails as a general objection against Platonist,

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[161] *Ibid*., 49, 58.

instrumental and particularist conceptions of practical reasoning because she supposes, but does not establish, the controversial view that first-order practical reasoning must be public. However, this supposition marks common ground in arguments that address political liberals: after all, they *accept* that first-order practical (i.e., political) reasoning must be public. Hence, O'Neill's disagreement with political liberalism must be located at a more specific level. It cannot concern the general issue of whether first-order practical (political) reasoning must be public or followable (this is the level at which O'Neill seems to argue at first sight). Instead, the disagreement must concern the more specific issue of what it takes for such reasoning to be public or followable *in the right sense.* Let me now sketch five aspects of what, for O'Neill, it takes for practical reasoning to be suitably followable. This will provide the basis to outline what, from O'Neill's point of view, is wrong with political liberalism.

Take the issue of scope first. As I have already noted, O'Neill believes that practical reasoning must be followable by all others to whom it applies, or for whom it claims authority. For O'Neill, the latter depends not merely on factors such as, e.g., the range of others on whom we impose demands, or judge by our reasoning, or expect to accept or act on our reasoning. O'Neill argues that we must regard as relevant others at least all others with whom or on whom we take, or would take, ourselves to interact or act in engaging in other-regarding activity that is guided by our reasoning.[162] Note also that O'Neill takes stretches of practical reasoning to vary in scope. In her view, some moral principles apply to (almost) everyone, or have an 'inclusive' or 'cosmopolitan' or 'more-or-less-cosmopolitan' scope.[163] She grants, though, that some stretches of practical

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[162] *Ibid*., 65. O'Neill's notion of scope is opaque. There are at least three dimensions in which practical reasoning could be claimed to have a certain scope. The first concerns the group of others over whom our claims range. E.g., "The rich should give to the poor" ranges over the rich and the poor. The second concerns the range of others who would be affected by attempts to act on, or to implement, our views. Reverting to the example just given, these others would be the rich and the poor, but also all others who, if that view was implemented, would be affected by the resulting practice. The third dimension concerns the type of validity-claims we raise. If I believe that the claim that the rich should give something to the poor is, say, correct or true (and I reject the relevant forms of relativism), I commit myself to the view that *everyone* should accept that claim. O'Neill's notion of scope covers these three dimensions. See also part IV.

[163] For this and the following: see *ibid*., 11, 55, 113ff. It follows that O'Neill adopts

reasoning might claim authority within a 'relatively restricted scope' only. Either way, she insists, "anything that is to count as practical reasoning must be *followable by all others within the relevant scope*."[164] For all stretches of practical reasoning, then, O'Neill adopts justificatory universalism.

Second, O'Neill claims that to "construct is only to reason with all possible solidity from *available* beginnings, using *available* and *followable* methods to reach *attainable* and *sustainable* conclusions."[165] This in effect highlights several dimensions in which first-order and higher-order practical reasoning must be followable. According to O'Neill, such reasoning is suitably followable only if the views it (openly or tacitly) relies on or reasons from, the methods or standards of reasoning it employs, and, not least, the conclusions it advocates, are followable by the relevant others.

Third, O'Neill claims that practical reasoning should not rely on 'idealising' views of, e.g., persons, agency, rationality, practical reasoning or motivation.[166] An assumption or theory

> idealizes when it ascribes predicates – often seen as enhanced, 'ideal' predicates – that are false of the case at hand, and so denies predicates that are true of that case. For example, if human beings are assumed to have capacities and capabilities that are evidently not achieved by many or even by any actual human beings, the result is (...) idealization. Insofar as contemporary theories of justice start by assuming 'ideal' conceptions of the person, rationality or independence they (...) assume rather than establish specific ideals. If they then do not offer reasons for starting from these idealizing assumptions (...) their theories will (...) be inapplicable to the human case.[167]

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applicative universalism.

[164] *Ibid.*, 55.

[165] *Ibid.*, 63.

[166] For this and the following: see *ibid.*, 39-48, 56; O'Neill (2000), 70-77; O'Neill, "Abstraction, Idealization and Ideology in Ethics".

[167] O'Neill (1996), 41. It is worth adding that this characterisation of idealisation cannot be right: it makes idealisation almost indistinguishable from (factual) *falsehood* or *error*. Moreover, O'Neill seems to suppose that idealising views ascribe 'enhanced' or 'ideal' predicates

She raises two main objections against idealising reasoning. First, such reasoning misrepresents or exaggerates the capacities and capabilities of those by whom it must be followable. Thus, it might misjudge what these others are capable of following. Second, such reasoning often amounts to reasoning that supposes, but does not establish, ideals, or views of how we should reason or act. But as long as these ideals are not shown to be suitably followable themselves, O'Neill takes it, practical reasoning that supposes them may not be claimed to be followable. Note that this objection in effect also applies to views of reasonableness supposed in practical reasoning. If I seek to reason in ways that are reasonably acceptable, but suppose a view of reasonableness that is not shown to be suitably followable itself, then, on O'Neill view, I may not claim my reasoning to be suitably followable – or, for that matter, to have authority.[168]

Fourth, practical reasoning that claims authority within a wide scope may, and often must, be 'abstract'.[169] As O'Neill uses the term, abstraction

> is a matter of *bracketing*, but not *denying*, predicates that are true of the matter under discussion. Abstraction *in this strict sense* is theoretically and practically unavoidable, and often ethically important. (...) Reasoning that abstracts from a predicate makes claims that do not depend on that predicate holding, *or* on its not holding.[170]

Practical reasoning that seeks to provide guidance for a wide range of diverse situations or contexts must 'bracket', or leave indeterminate, many aspects of the

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in order to *describe* matters. Yet, it seems, (knowingly employed) idealisations do not seek to describe, but to provide *models* of, whatever they idealise. And models *may* be descriptively inadequate while remaining 'applicable' to what they are models of. This makes it difficult to see what O'Neill's heading 'idealised reasoning' refers to. It also suggests that the second objection to such reasoning (see below) reflects her main point.

[168] True, to refer to a view of reasonableness as an (alleged) 'ideal' might seem appropriate only if it is thick, rather than thin, in content. Yet I shall ignore this qualification here. Much like ideals, even thin views of reasonableness amount to views of what kind of people we should be, or how we are to reason or act (even though, of course, they might be very unspecific). And, I take it, O'Neill's second objection targets all reasoning that relies on *unvindicated* views of that type – whether or not, that is to say, these views narrowly qualify as 'ideals'.

[169] *Ibid*., 39-48, 56.

[170] *Ibid*., 40.

situations or contexts to which it applies (thereby leaving something to judgement).[171] Similarly, practical reasoning that is to be followable by diverse audiences must make abstract assumptions about what these others are like. Such reasoning

> can assume nothing too specific about the actual capacities and capabilities of those by whom it is to be followable. It can assume only a rather abstract account of the ordinary capacities and capabilities and the routine forms of vulnerability that can be taken for granted in all others for whom the reasoning is to account. The specific categories, beliefs or desires, or specific cognitive and social skills of a restricted group which various stretches of restricted particularist reasoning can rely on, cannot be assumed in practical reasoning that is to count more widely.[172]

One implication of O'Neill's view of abstraction is worth highlighting. Consider again views of reasonableness. Suppose you and I agree that reasonableness requires a commitment to political toleration. Suppose also that our more specific views of political toleration conflict. Say, I construe it as a matter of respecting reasonable$_{PL}$ disagreement, but you construe it as a matter of respecting what promotes human perfection. Thus, if, in reasoning with each other, we 'bracket' our more specific, controversial views of the form of toleration that, we take it, reasonableness requires, and suppose merely that reasonableness requires *some* form of political toleration, our starting points might be acceptable to each other, and hence might mark 'available beginnings'. This suggests that, for O'Neill, abstraction is relevant partly because it ensures, or helps to ensure, that the starting points of our practical reasoning are followable by the relevant others. Note also that, in 'bracketing' our more specific views of political toleration, the resulting views of reasonableness will be less determinate, or more abstract, and hence *thinner* in content, than our initial views.[173]

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[171] See *ibid*., 77-90; O'Neill (2000), 55-64.

[172] O'Neill (1996), 56.

[173] The following might illustrate the structure of this dialectical aspect of abstraction. Suppose that X believes (i) that people must eat bananas, while Y believes (ii) that people must eat apples. Hence, they cannot reject the more abstract view (iii) that people must eat *fruit*. In attempting to reason followably, then, they should reason from (iii). Of course, if X or Y do not

Fifth, let me add a remark on when, according to O'Neill, we may claim our reasoning to be suitably followable by the relevant others, and hence to have authority. There are at least two ways to approach this issue. First, it could be approached by the light of the view (i) that we may claim S to be suitably followable, and hence to have authority, only if we have examined whether S is suitably followable. Second, it could be approached by the light of the view (ii) that we may claim S to be suitably followable, and hence to have authority, even if we did not examine whether S is suitably followable as long as we do not have positive reasons to *doubt* that S is suitably followable (where the mere fact that S's followability is unexamined is not construed as such a reason).[174] Now O'Neill does not explicitly tell us whether she wants us to follow (i) or the less demanding (ii). She points out that she construes practical reasoning

> *from the reasoner's point of view*. In offering reasons for action agents endorse principles that are *thought by the agent* to be possible principles for all others in some domain. The demands of reason are demands on reasoners. Reasoning is defective when reasoners misjudge or misrepresent what others can follow.[175]

She also tells us that

> [i]n proposing as reasonable only principles of action that are followable by the relevant others – whether those in a more inclusive or only those in a more restricted sphere – practical reasoners need (...) judge only that *the principle itself is followable by all in that sphere*, in the sense that its universal adoption in the relevant domain would not be incoherent.

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share the aim to reason followably or do not rank it higher than their commitment to their initial views (e.g., Y might be, say, an apple fundamentalist who is committed to reject any policy that does not ensure that people eat apples instead of bananas), then (iii), while being a view that X and Y cannot reject, might not be a view that they would both accept as a good view to start from in substantive arguments – after all, arguments that start from (iii) *may or may not* allow them to conclude (i) or (ii). Thus, abstraction will yield shareable starting points – be they substantive or more formal, conceptual in nature – only if a commitment is already supposed to reason from premises all relevant others can follow, and hence a commitment to an accordingly inclusive view of the scope of practical reasoning.

[174] (ii) is on the lines of Larmore's view of justified belief: see I.12ff.; see also III.4f.

[175] For this and the following quotation: see *ibid*., 58f.

Yet this leaves open whether, from the reasoner's point of view, the entitlement to judge *S* to be followable should be construed in terms of (i) or (ii). However, O'Neill's second objection to idealising reasoning effectively assumes that reasoning that invokes ideals, or, more generally, views of how we are to reason or act, may not be claimed to be followable so long as these ideals are not *shown* to be followable. And she constantly seems to take for granted that the fact that practical reasoning is not *shown* to be suitably followable, or is not *shown* not to be arbitrary, marks a deficiency. This suggests that O'Neill endorses (i). It seems, then, that she assumes that we may take our practical reasoning to be suitably followable, and hence to have authority, only if we have reassured ourselves that, and hence examined whether, it is suitably followable.

11. *A universalist challenge*

Here, then, is the objection against political liberalism that the above suggests. It has two interlocking aspects. The first aspect focuses on the structure of practical reasoning. It highlights what it would take for political liberals (or, by the same token, the reasonable$_{PL}$) to be entitled to claim that publicly justifiable political principles have authority – or, more generally, that the property of being publicly justifiable (in their sense of public justification) confers authority. The second aspect focuses on the scope of practical reasoning. It highlights what it would take for the reasoning that political liberals (or the reasonable$_{PL}$) carry out in publicly justifying views to other people to be followable by all others whom, in O'Neill's view, they should acknowledge as relevant others.

First, then, political liberals assume that political principles may be claimed to have authority if they are acceptable by reasonable$_{PL}$ people even though they merely suppose, but do not establish, their view of reasonableness$_{PL}$. Now, for O'Neill, stretches of practical reasoning may claim authority if, and only if, they are suitably followable. And we may not claim stretches of practical reasoning that rely on some view of reasonableness, or, more generally, some view of how we are to reason or act, to be suitably followable, and hence to have authority, unless we have critically considered whether this view is suitably followable itself. Thus, political liberals are not entitled to claim that the political principles they advocate have authority – or, in more general terms, that the

property of being publicly justifiable (i.e., in political liberalism's sense of public justification) confers authority. To earn this entitlement, political liberals must carry justification one step back: they must examine whether their view of reasonableness$_{PL}$ is suitably followable, and hence must show why people should be reasonable$_{PL}$ in the first place.

Now, second, political liberalism's political principles, and its view of reasonableness$_{PL}$, apply to the unreasonable$_{PL}$ as well. Thus, on O'Neill's view, political liberals must regard them as relevant others, and so must include them in the scope of public justification. Hence, the reasoning political liberals (or the reasonable$_{PL}$) carry out in publicly justifying things to others may claim authority only if that reasoning is followable by the unreasonable$_{PL}$ as well – including the views the former rely on or reason from, the methods or standards of reasoning they employ, and the conclusions they advocate. Thus, reasonableness$_{PL}$ must become an *object* of a public justification that includes unreasonable$_{PL}$ people in its scope. Two things follow. First, the threshold tests by which inclusion in the scope of public justification is determined must at least initially, i.e., prior to a justification of reasonableness$_{PL}$, be abstract or *thin* enough to qualify unreasonable$_{PL}$ people as reasonable. Second, in justifying reasonableness$_{PL}$, public justification must, at least initially, rely on a more abstract, or a *thinner*, view of reasonableness – i.e., a view that all relevant others, including the unreasonable$_{PL}$, can follow.

This objection points in the right direction. It implies that political liberalism's particularism should be rejected, and that, prior to a justification of why we should be reasonable$_{PL}$, public justification should not be restricted to the reasonable$_{PL}$. And it effectively insists that political liberals (or the reasonable$_{PL}$) should adopt, or at least suspend their rejection of, justificatory universalism and normative minimalism. Now section II.9 marks what O'Neill takes to be aspects of suitably followable first-order *and* higher-order practical reasoning. Hence, her case for her view of what it takes for first-order practical reasoning to be suitably followable must, by her own lights, be suitably followable by political liberals (or the reasonable$_{PL}$). *If* O'Neill can make such a case, then, surely, it would provide the sort of case that would be needed here.

My subsequent discussion is structured around these two aspects of

O'Neill's objection against political liberalism. Part IV, below, examines O'Neill's view of the scope of practical reasoning, and hence focuses on the second aspect of that objection. Part III addresses O'Neill's view of the structure of practical reasoning and thereby focuses on the first aspect of that objection.

III. On the structure of practical reasoning

III. On the structure of practical reasoning

1. *Introduction*

The first aspect of O'Neill's objection against political liberalism draws on two ideas that are at the heart of her view of the structure of practical reasoning:

> (1) Practical reasoning is deficient if it is not followable by all others for whom that reasoning is to count.

> (2) We may claim stretches of practical reasoning to be suitably followable, and so to have authority, only if we have examined whether they are suitably followable – including the views we (tacitly or openly) rely on or reason from, the methods or standards of reasoning we employ, and the conclusions we advocate.

I shall now argue that O'Neill has reasons to concede that practical reasoning that is not followable by some relevant others might nevertheless *not* be deficient, and that we may at least sometimes merely *presume* that the views we rely on, and the reasoning we carry out in our attempts to reason followably, are suitably followable.

　　Two things will emerge. First, contrary to what she at first sight suggests, O'Neill has reasons to concede that we *may* rely on, endorse, or claim authority for S even if S is not shown to be suitably followable so long as S is not in need of justification (where the fact that S has not been shown to be suitably followable does not by itself put S in this need). Accordingly, second, the first aspect of her

objection against political liberalism must be revisited. The problem cannot be that political liberals take their practical reasoning to have authority even though they do not examine whether their view of reasonableness$_{PL}$ is suitably followable. Instead, the problem must be that they do not examine that view's followability even though it is in need of justification.

O'Neill never addresses the issue of when the need to justify things arises in the first place – beyond what (2) suggests, i.e., that S is in need of justification if S is claimed to have, but not established to deserve, authority. But this view, I shall argue, is not an option for her: it would render us unable to ever claim our reasoning to be suitably followable. However, there are traces of another view on this issue in O'Neill that might be an option for her. Thus, I shall reconstruct – or, as O'Neill gives us very little to work from here, conjecture – what sort of view this might be. We shall find that she may not without further justification rely on the view that will emerge here in attacking political liberalism. Yet she does not provide such a justification; and that view is not without problems. In its own right, then, the first aspect of her objection against political liberalism fails to achieve its aims.

2. *Followability again*

Turning first to the idea that practical reasoning is deficient if it is not followable by all others for whom it is to count, let us take another look at O'Neill's notion of followability in thought. For O'Neill, followability in thought is a matter of what others can, or could, accept coherently. Yet we have seen that there is a sense in which I 'could coherently accept' any view or stretch of reasoning, S, as long as S is locally coherent itself and there is some set of beliefs such that it is conceivable that I adopt that set, while adopting it would not make it incoherent for me to accept S (whether or not adopting that set is a genuine intellectual or psychological option for me). O'Neill's requirement of followability in thought, then, should be qualified. And it is plain that O'Neill supposes some such qualification. But she never tells us what qualification she supposes. Thus, it remains unclear when locally coherent views or stretches of reasoning may, or

may not, be claimed to be followable in thought.[176]

To carve out what sort of qualification O'Neill might suppose, let me start with a diagnostic comment. O'Neill, I submit, does not duly highlight the role of epistemic-practical *perspectives* in attempts to reason followably. On her view, claims like

(i) *S* is followable in thought by X

are or imply claims like

(ii) X could coherently accept *S*.

Now if we may not take (i) to be true of just any locally coherent *S*, the truth of (ii) must (partly) depend on what X could come to accept through a more or less coherent exercise of reasoning and judgement, given a set of epistemic resources (e.g., intellectual capacities, inferential skills), a set of commitments (be they epistemic, such as the commitment to not believe falsehoods, or non-epistemic, such as the commitment to impartiality) and a doxastic context (e.g., views on agency, on the context of action or on what is good and what is right). Together, such resources, commitments and context form a point of view from which agents look at, and interact with, their environment – i.e., what I just called a 'perspective'. Accordingly, the view that *S* is followable by X either is or implies the view that X could come to accept *S*, given some such perspective, or else amounts to little more than the view that X can follow *S* in action, or is capable of acting on *S*.

Put in these terms, the problem at hand comes down to this: as O'Neill does not specify on what sort of perspectives we may predicate our attempts to reason followably, it is indeterminate when locally coherent views or stretches of reasoning may be claimed to be suitably followable. And there are many possibilities. In considering whether I could coherently accept your reasoning, you might consider whether I could coherently accept your reasoning from the perspective that, you assume, I *actually* adopt, or a perspective that, you believe, I *would* adopt upon reflection, or a perspective that, you take it, I *should* adopt.[177]

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[176] Here and below, I shall focus almost exclusively on followability in thought. Unless otherwise stated, then, where I write 'followability', this refers to followability in thought.

[177] These options concern what Timmons calls 'subjective' (or 'egocentric')

To rehearse the problem indicated above, then, unless restrictions are imposed on the sort of perspectives on which attempts to reason followably may be predicated, it seems that almost any locally coherent stretch of reasoning could be claimed to be followable.

Again, it is clear that O'Neill supposes some such restriction, but it is not clear what restriction that is. I take it, however, that the following is (roughly) on her lines. All in all, she seems to construe followability as a matter of what real people may be expected to come to accept upon consideration, given their 'ordinary capacities and capabilities', and prior to major changes in their actual perspective.[178] This would suggest a fairly *weak* reading of claims to the effect that X 'could coherently accept' *S*. For O'Neill, it would seem, such claims are false if it would be incoherent for X to accept *S* upon conscientious reflection, including, presumably, the consideration of facts or views that X might not have considered so far, *prior* to major changes in the perspective that X actually adopts. E.g., if I remain committed to denying that sharia is superior to liberal democracy, even after I conscientiously reviewed my liberal commitments and considered facts or views about sharia that I might have ignored so far, then, on this weak reading of what that takes, the view that sharia is superior to liberal democracy would not be followable by me. And this is so even if proponents of sharia could claim that I could or would accept that view if the resources, commitments and the doxastic context that constitute my perspective were somehow improved – judged by whatever standard they might take to mark how I should approach the issue of sharia.[179]

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perspectives only, and these seem to be relevant here. Yet other types of perspectives might come in here, too. Timmons notes: "There are various epistemic perspectives from which epistemic evaluations proceed. Some of the more familiar include: the subjective or egocentric perspective of an individual agent, the intersubjective perspective or sociocentric perspective of some community, the perspective of some group of experts, and the perspective of an ideally knowledgeable observer." (Timmons (1999), 193.)

[178] This is suggested especially by O'Neill's rejection of idealising reasoning and her insistence that reasoning that seeks to hold within a wide scope should be abstract: see O'Neill (1996), 39-44, 51f., 61ff., and above.

[179] This cuts both ways: that proponents of sharia could accept my view that liberal democracy is superior to sharia if, say, they rejected that revelation and 'literal' interpretations of the Quran are authoritative sources of knowledge does not show that the view in question is

However, if we suppose this weak reading of claims to the effect that X could coherently accept *S*, the fact that *S* shows a lack of followability cannot plausibly be taken always to count against *S*. E.g., if your reasoning can coherently be accepted from, say, any internally coherent, interested, well-informed and impartial perspective, but not from my ignorant and systematically homophobic perspective, this, it would seem, would not show that something is wrong with your reasoning. Instead, it would show that I should undergo whatever conversion would make your reasoning acceptable by me – even if (and especially if) my distorted perspective does not support the view that my way of looking at things should change. Thus, a lack of followability that is *authoritative* should be distinguished from one that is *non-authoritative*. In fact, O'Neill is committed to draw some such distinction. She evidently believes that a lack of followability marks a deficiency of some sort (accordingly, she believes that the absence of such a lack can recommend practical views). Yet, unless her view that practical reasoning is deficient if it shows a lack of followability is predicated on authoritative lacks of followability only, this view would ask us to let our practical reasoning be hijacked by whatever hostilities, biases or prejudices some relevant others could sustain upon reflection. Hence that view would not be followable *itself*. I conclude, then, that O'Neill commits herself to accept that the fact that *S* lacks followability does not always, or not necessarily, count against *S*. Practical reasoning might not be deficient, even if it is not followable by some relevant others.

Two things should be added. First, what we have just seen brings out an ingredient of attempts to reason followably that O'Neill neglects, but appears to build into her view of practical reasoning. Suitably simplified, O'Neill at first sight suggests that we should abide by a maxim like:

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followable by them. Note also that, on the weak reading of claims to the effect that X can coherently accept *S*, O'Neill grants us *some* leeway in claiming that X could coherently accept *S* even if X coherently rejects *S* because she allows us to take into account what X could accept if he considered facts or views that he might have ignored so far – or what, in Gaus's terms, would be 'openly justified' for X (Gaus (1996), 31f.). Yet, on O'Neill's view, it seems, the facts and views that we may take to be relevant here, and our claims about the impact they would have, must somehow be restricted by, yet again, what X may be expected to consider as relevant and to conclude *prior* to major changes of his perspective. I have not found anything in O'Neill that would help to make this more specific.

> (i) Our reasoning is deficient if it could not coherently be accepted by other people, given the perspective that they *actually* adopt.

Yet once we distinguish between authoritative and non-authoritative lacks of followability, our attempts to reason followably – i.e., our attempts to make a critical or recommendatory use of the requirement of followability – would have to be oriented by the normatively richer:

> (ii) Our reasoning is deficient if it could not coherently be accepted by other people, provided they adopt a perspective that they *may* adopt.

As much as *S* is not shown to be deficient if *S* can be accepted from any well-informed, interested and impartial perspective, but not from my distorted perspective, the fact that I could coherently accept *S* from that distorted perspective does not seem to recommend *S*. For, it would seem, that X could coherently accept *S* recommends *S* only if X, or X's perspective, is such that if X could *not* coherently accept *S*, this would count against *S*. Contrary to what O'Neill suggests at first sight, then, attempts to reason followably are attempts to reason in ways that others could coherently accept, provided they, or their perspective, live up to certain threshold tests: unless we may claim that they pass whatever threshold tests they should pass, we may not claim the fact that *S* is, or is not, followable by them recommends, or counts against, *S*.

Second, it is not surprising that O'Neill (tacitly) predicates our attempts to reason followably on threshold tests of some sort. It simply reflects a proviso that constructivism from the start builds into practical reasoning. Constructivism holds that stretches of practical reasoning are right (or correct, valid or true) if, and only if, they can be accepted reasonably, or are acceptable by reasonable people. Thus, it asks our reasoning to seek reasonable acceptance (acceptability), or to avoid reasonable rejection (rejectability), rather than acceptance (acceptability) or rejection (rejectability), *simpliciter*. This proviso enters O'Neill's picture in an implicit, two-fold way: for O'Neill, our reasoning must be such that the relevant others could accept it *coherently*; and it must be coherently acceptable from perspectives that *may* be adopted. Correspondingly, I shall assume below that O'Neill distinguishes between perspectives that others may adopt and perspectives that they may not adopt in terms of some view of reasonableness. On this assumption, her requirement of followability is a requirement to the effect

that our reasoning must be such that the relevant others could coherently accept it, provided they adopt reasonable perspectives.

3. *A regress problem*

I shall now address O'Neill's idea that we may claim our practical reasoning to be suitably followable, and hence to have authority, only if we conclude upon critical examination that they are so followable – including the views we rely on or reason from, the methods or standards of reasoning we employ, and the conclusions we advocate.

Let me begin by recapitulating how this idea comes in. What we have seen in the previous section raises the question of what view of reasonableness we may employ in distinguishing between reasonable and unreasonable perspectives. It is plain that O'Neill wants us to draw that distinction in terms of some abstract or thin view of reasonableness – at least if we intend our reasoning to hold within a wide scope. But consider how political liberals (or the reasonable$_{PL}$) would think of followability. I take it that they cannot deny that practical (political) reasoning must be followable. Yet they suppose, or commit themselves to suppose, that such reasoning *is* suitably followable if it can coherently be accepted from any perspective that encompasses reasonable$_{PL}$ commitments – or reasonable$_{PL}$ perspectives, for short. And, for all that we have just seen, this is consistent with the structure of followable reasoning. Thus, what is wrong with the stand political liberals would take?

There are two lines of thought in O'Neill that come in here. The first concerns the scope of practical reasoning: for O'Neill, any view of reasonableness that agents may employ in their attempts to reason followably must itself be followable by all others for whom their practical reasoning claims authority. I shall turn to this in part IV, below. The second line of thought has to do not so much with the question of when our reasoning is followable, and so has authority, but, rather, with the question of what it takes for reasoners to be entitled to claim that it has that property.[180] This is how the idea mentioned above comes in. On

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[180] At least on one understanding, these two issues are independent. I might have done everything that anyone could reasonably be expected to do in order to reassure myself that my reasoning is suitably followable, and hence might, say, 'subjectively' be entitled to claim that it is

O'Neill's view, we may claim our reasoning to be suitably followable, and so to have authority, only if we have examined whether it is so followable. As it stands, this also applies to the view of reasonableness that we employ, or would employ, in distinguishing between reasonable and unreasonable perspectives. Now political liberals suppose, but do not establish, their view of reasonableness$_{PL}$. Hence, even if they (or the reasonable$_{PL}$) can consistently predicate followability on reasonable$_{PL}$ perspectives, they would still not be entitled to claim reasoning that could coherently be accepted from such perspectives to have authority.

Now O'Neill, I believe, is right in claiming that political liberals should examine the followability of their view of reasonableness$_{PL}$. However, the rationale for this cannot be that we may claim our practical reasoning to be suitably followable, and so to have authority, only if we have examined whether it is suitably followable – including the views we (tacitly or openly) rely on or reason from, the methods or standards of reasoning we employ, and the conclusions we advocate (below, I shall refer to this as 'O'Neill's rationale'). This appears to be too demanding: as we shall see, it rules out our ability ever to be entitled to claim our practical reasoning to have authority. But, it is safe to assume, O'Neill seeks to construe, and, I take it, should construe, practical reasoning in such a way that we *are* capable of that entitlement.[181] Thus, O'Neill

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so followable, while it is not in fact so followable. And it might be followable by you while I might not 'subjectively' be entitled to claim that it is so followable. This 'subjective' notion of that entitlement is closely related to what Timmons calls 'epistemic responsibility': see his "Outline of a Contextualist Epistemology" and "Moral Justification in Context". See also Timmons (1999), chapter 5, and below. Accordingly, I shall suppose here that the fact that X's reasoning is suitably followable does not imply that X is entitled to claim his reasoning is suitably followable, and that the fact that X is entitled to claim it is suitably followable does not imply that it is suitably followable.

[181] Again, this is suggested by O'Neill's rejection of idealising reasoning and what she says in favour of her view that reasoning that seeks to hold within wide scopes should be abstract, cp. O'Neill (1996), 39-44, 51f., 61ff. One reason why O'Neill should conceive of that entitlement in such terms is this. If we cannot be entitled to claim our practical reasoning to have authority, then, if 'Ought implies can' applies here, it is not the case that we ought to try to be entitled to make such claims. Thus, it would not be unreasonable not to try to reason authoritatively. As this consequence seems unacceptable, we have reasons to construe this entitlement in such a way that we are capable of earning it.

is committed to adopt a *weaker* notion of what it takes to be entitled to claim our reasoning to have authority.

Observe, then, that O'Neill's rationale applies not only to views or stretches of reasoning that we *reason about*, but also to the views we *rely on* and the reasoning we *conduct* in carrying out practical thought. Hence, you are entitled to claim any token practical view or stretch of practical reasoning, *S*, to have authority only if you reassured yourself that the views you rely on and the reasoning, *S**, you conduct in examining *S*'s followability are suitably followable, and so may be claimed to have authority. Now there is nothing in O'Neill's rationale that would allow you to stop here: on her rationale, you may claim *S** to have authority only if you reassured yourself that the views you rely on and the reasoning, *S***, you conduct in examining *S**'s followability are suitably followable themselves – and so, it seems, *ad infinitum*. And even if this regressive structure is predicated on finite sets of views or stretches of reasoning, O'Neill would still ask for too much. We are incapable of examining the followability of *every* practical view we rely on and of *every* stretch of practical reasoning we carry out in examining whether other views or stretches of reasoning are suitably followable. Thus, on O'Neill's rationale, we could never be entitled to claim our practical reasoning to have authority.

To flesh this out somewhat, suppose you believe:

(i) Sharia is not superior to liberal democracy.

On O'Neill's picture, you may not claim (i) to be suitably followable, and so to have authority, unless you examined whether the views you relied on and the stretches of reasoning you conducted in concluding (i) are suitably followable. Suppose, then, that you believe that (i) is right since, you take it, (i) is followable by the relevant others. Thus, one of the views the followability of which you would have to examine is this:

(ii) Stretches of first-order practical reasoning may claim authority if, and only if, they are followable by the relevant others.

In effect, then, you would be entitled to claim (i) to have authority only if you settled the higher-order issue of what conception of first-order practical reasoning, or what standard of first-order practical justification, we should adopt in the first place (an issue that, as we saw above, O'Neill herself, like many others

before her, fails to settle). And this is quite counter-intuitive in its own right. Yet, perhaps, it might not be beyond you. What would be beyond you, though, is what else O'Neill would ask you to do. For you would also have to examine the followability of the views you rely on and the stretches of reasoning you conduct in settling that higher-order issue. And, of course, the same holds at the level of the views you rely on and the stretches of reasoning you conduct in examining the followability of the latter – and so on.

Not least, at any given stage of reasoning, there is something your attempts to reason followably inevitably rely on: namely, the requirement of followability itself and the particular interpretation you attach to it at that stage. Thus, there seem to always be at least two things left for you to consider. First, you would have to consider whether it is suitably followable to apply O'Neill's requirement at that stage – or, in other words, whether it is suitably followable to assume that practical reasoning at that stage has authority if, and only if, it can coherently be accepted by the relevant others, given they adopt reasonable perspectives. Second, you would have to consider whether the notion of reasonableness by which you distinguish between reasonable and unreasonable perspectives at that stage is suitably followable by the relevant others. But if you are always left to consider these things, you could never fully live up to O'Neill's rationale. Hence, again, you could never claim your reasoning to be followable, and hence to have authority.[182]

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[182] This regress problem does not disappear even if you adopt the foundationalist view that there are self-justifying or non-inferentially justified (moral) beliefs, and so seek to stop the regress with such beliefs. For you would still have to examine the followability of, e.g., your view that there are any such beliefs, or your view that the beliefs that you take to be of that type in fact are of that type. If, by contrast, you adopt some form of coherentism and so believe that you may, at any level of thought, escape the problem by relying on any *S* that suitably coheres with the rest of your beliefs, you would still have to examine the followability of, e.g., your belief that whatever *S* you might want to invoke in fact coheres with the rest of your beliefs, or your view that your overall set of beliefs is such that if it shows the right sort of internal coherence, given it includes *S*, you may claim *S* to have authority. (And, as Griffin has argued, your set of beliefs might not pass that threshold unless it includes 'specially reliable' ethical beliefs. See Griffin (1996). On O'Neill's view, of course, ethical beliefs are 'specially reliable' only if they are, or may be claimed to be, suitably followable.) Similarly, if you adopt a performative or pragmatic approach and so assume that the regress may stop with any *S* that people who engage in discourse necessarily presuppose, you still would have to examine the followability of, e.g., your view that

Plainly, then, *if* we are capable of being entitled to claim our reasoning to be suitably followable, and so to have authority, then it must at least sometimes be legitimate to merely *presume* that the views we rely on and the reasoning we conduct in our attempts to reason followably – e.g., while examining the followability of other views or stretches of reasoning – do *not* lack followability. In particular, it must at least sometimes be legitimate merely to presume that the requirement of followability itself and the distinction between reasonable and unreasonable perspectives that we employ in applying that requirement do not lack followability. Now, again, O'Neill seeks, and should seek, to construe practical reasoning in such a way that we are capable of being entitled to claim our practical reasoning to have authority. Hence, O'Neill is committed to qualify, if not to reject, her rationale and to adopt a weaker notion of what it takes to be entitled to claim our reasoning to have authority.

4. *A clue from Timmons*

What weaker notion of the sort just referred to might O'Neill adopt? To approach an answer, let me indicate what I take to be the source of her problem. The source of that problem is not that she supposes:

> (i) Our practical reasoning is suitably followable only if the views it (tacitly or openly) relies on or reasons from, the methods or standards of reasoning it employs and the conclusions it advocates are followable by the relevant others.

Rather, the source of her problem is that she understands (i) by the light of:

> (ii) We may claim *S* to be suitably followable, and so to have authority, only if we reassured ourselves that *S* is suitably followable.

Once (i) is understood by the light of (ii), we get O'Neill's rationale. As that rationale applies to the views and the reasoning we reason about, and the views we rely on and the reasoning we conduct in carrying out our reasoning, the

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there are such beliefs, or your view that the beliefs that you take to have that status indeed have that status. And, of course, in each case you also would have to examine the followability of the views you rely on and the reasoning you conduct in examining the things you would still have to examine.

regress problem ensues. Given the conclusion drawn at the end of the previous section, then, there are reasons not to understand (i) by the lights of (ii). To say the least, if (ii) is not to be rejected entirely, the type of situation in which we are to follow (ii) or, say, the type of views to which (ii) applies should somehow be restricted. Yet how?

Timmons's structural contextualism provides us with a clue to the sort of answer that O'Neill has reasons to give. Structural contextualism (SC) holds that "[r]egresses of justification may legitimately terminate with beliefs, which, in the context in question, *are not in need of justification* [i.e., *contextually basic beliefs*]."[183] On this view, we *may* believe *S* and *may* rely on *S* in the justification of other views even if we do *not* have positive, justifying reasons to believe *S* in the first place so long as *S*, in a given context of thought, discussion or action, is not in need of justification.[184] Accordingly, Timmons distinguishes between justified belief and a broader notion of 'epistemic responsibility'. For X to be 'positively epistemically justified' in believing *S* requires X "to have reasons or grounds for [*S*] and that he base his belief on these reasons or grounds."[185] Yet, Timmons adds, "[b]eing epistemically responsible in holding a belief does not necessarily require that one be justified in holding the belief."[186] Timmons writes:

> We have no choice but to rely on all sorts of beliefs, skills, and abilities we do have when we engage in any intellectual pursuit. [This] makes it plausible to suppose that one is epistemically responsible in holding a belief unless there are concrete reasons for suspicion. And this allows that one may be responsible in believing a proposition, even if one no longer has – or, indeed, has never had – positive evidence of a sort that would serve as

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[183] Timmons (1999), 187.

[184] Timmons mainly, but not only, focuses on contexts of thought – or, as he puts it, the doxastic context of an individual's moral outlook. See *ibid*., 211ff.; Timmons, "Moral Justification in Context", 369f.

[185] Timmons (1999), 205. Note that this quotation states only a necessary condition of what, according to Timmons, it takes to be 'positively epistemically justified'.

[186] *Ibid*., 205.

justifying reasons for the proposition in question.[187]

Timmons implies (roughly) that we may settle the question of whether *S* is in need of justification – or, as he puts it here, whether there are 'concrete reasons for suspicion' – by our own lights, or, somewhat less vaguely, by the lights of our background beliefs and of goals we pursue, or take ourselves to have reasons to pursue.[188] If, judged by your own lights, some fact or consideration calls into question your view *S*, then you have positive reasons to doubt *S*. From your point of view, then, *S* is in need of justification. Thus, you would be epistemically irresponsible if you continued to hold *S* without positive, justifying reasons. What *range* of facts or considerations you must take into account in considering whether *S* is in this need, in turn, also depends on your point of view, or on what facts or considerations are made relevant by your background beliefs and goals. Accordingly, if, by your own lights, the relevant facts and considerations do not call into question *S*, you do not have positive reasons to doubt *S*. From your point of view, therefore, *S* is not in need of justification. Hence, you would not be epistemically irresponsible if you continue to hold *S* without positive, justifying reasons for *S*.[189]

A brief comment is in place. Timmons combines two views here: first, a view to the effect that we do not need positive, justifying reasons for beliefs that

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[187] *Ibid.*, 205f.

[188] Timmons adds a 'general knowledge requirement': we are to take into account general information people may normally be expected to be aware of. For this, and what I say in the rest of the paragraph: see *ibid.*, 191f., 199, 209-212, 218-221. As to goals – e.g., the goal (or, in terms that I used earlier, the commitment) to not believe falsehoods, to be impartial or, to use Timmons's example, to come up with an ethics code for a university (*ibid.*, 220f.) – he insists that they might vary from one context of thought to the next, and, in the case of moral views, can be specific for an individual's moral outlook: see, e.g., *ibid.*, 218f. Timmons does not elaborate on how we are to determine whether the background beliefs and goals by which we assess whether our views are in need of justification are in need of justification. He seems to imply that, in determining this, we would again have to draw on background beliefs and goals that we pursue, or take ourselves to have reasons to pursue.

[189] Beyond this, there is little in Timmons that specifies when beliefs are, or should be taken to be, in need of justification. What he provides are (undefended) statements to the effect that even *well-informed* and *considered* objections might not put views in need of justification. Cp. *ibid.*, 220f.

are not in need of justification, and second, a view of when beliefs are, or may be taken to be, in this need. Now we can accept the first view, but dispute the second. All that the first view commits us to accept vis-à-vis the issue of when beliefs are in this need is that the fact that we do not have positive, justifying reasons for *S* does not by itself constitute that need. (Unless this is supposed Timmons's first view would be vacuous.) But this leaves room for a variety of views of when beliefs are in this need: e.g., it is consistent with the claim that, say, we may determine whether *S* is in need of justification by relying on our background beliefs and goals only if our background beliefs and goals are such that we doubt, or have reasons to doubt, where we *should* doubt, or *should* recognise reasons to doubt. As to Timmons's first view, however, let me now suppose that it is plausible to claim that we do not need positive, justifying reasons for our beliefs where they are not in need of justification. As Larmore quite plausibly puts it, then, "[w]e do not have to justify [our moral views] just because we have them."[190]

Apply Timmons's first view to the case at hand. O'Neill, I suggested, must qualify (ii), i.e., her view that we may claim *S* to be suitably followable, and so to have authority, only if we examined whether *S* is suitably followable. Now, given we understand justification in her constructivist terms, (ii) is plausible as a standard that tells us what we are to do once there *are* positive reasons to doubt *S*, or once *S* *is* in need of justification. Yet (ii) causes problems for O'Neill since (ii) does not discriminate between cases where we endorse, rely on, or claim authority for *S* and *S* is in this need, and cases where we endorse, rely on, or claim authority for *S* and *S* is *not* in this need. Prior to further qualification, (ii) asks us to reassure ourselves of the followability of every view we rely on or every stretch of reasoning we conduct – and this goes beyond what we could do. Thus, if O'Neill is not entirely to reject (ii), she must, I submit, accept a view such as:

> (iii) We may claim *S* to be suitably followable, and so to have authority, only if we have reassured ourselves that *S* is suitably followable – *provided* that there are positive reasons to doubt *S*, or that *S* is in need of justification.

On the lines of (SC), then, (iii) does not require us to examine the followability of

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[190] Larmore (1996), 62.

whatever we take to have authority merely because we take it to have authority. Yet where we do have positive reasons to doubt, or where views are in need of justification, (iii) asks us to examine whether these views are suitably followable. Thus, you *may* presume the views you rely on and the stretches of reasoning you conduct to be suitably followable, and so to have authority, as long as the need to justify these things does not arise. By implication, you *may* presume that the requirement of followability and the view of reasonableness by which you distinguish between reasonable and unreasonable perspectives are suitably followable, and so have authority, as long as the need to justify these things does not arise. And this, it seems, is what O'Neill would need in order to avoid the regress problem. As it is at the same time plausible, let me now suppose that O'Neill commits herself to (iii).

O'Neill, then, should qualify the first aspect of her objection against political liberalism: for her argument to work, she should accept that, at least sometimes, we may rely on an unvindicated view of reasonableness and still claim that the views we justify by its light have authority – and, of course, this is something that political liberals from the outset take for granted. From O'Neill's perspective, accordingly, the problem cannot be that political liberals take the political principles they advocate to have authority – or the property of being publicly justifiable (in their sense of the notion) to confer authority – even though they merely suppose that reasonableness$_{PL}$ is suitably followable. Nor can the problem be that they take practical (political) reasoning that could coherently be accepted from reasonable$_{PL}$ perspectives to have authority even though they merely suppose that reasonableness$_{PL}$ is suitably followable. The problem must be, rather, that political liberals take these things to have authority without justifying their view of reasonableness$_{PL}$ even though that view, and the way in which they employ it, is *in need of justification*.

Two things are worth adding. First, we have seen that O'Neill commits herself to the view that stretches of first-order and higher-order practical reasoning may claim authority only if they are followable by the relevant others – including political liberals (or reasonable$_{PL}$ people). Thus, she may not simply presuppose a view of what it takes to be entitled to claim one's practical reasoning to have authority that political liberals are from the outset committed to reject. Now, political liberals construe that entitlement in (normatively)

contextualist terms.[191] Hence, even if it was not the case that O'Neill has reasons to construe this entitlement in (at least structurally) contextualist terms, her notion of what it takes for conceptions of practical reasoning to have authority would give her a reason to construe it in such terms.

Second, we already saw that structural contextualism does not imply (any particular form of) normative contextualism. Thus, O'Neill can accept (iii) and reject the idea that practical reasoning may rely on political liberalism's unvindicated view of reasonableness$_{PL}$ if she rejects the standards by which political liberals (or the reasonable$_{PL}$) judge when views are in need of justification. By political liberalism's standards, unreasonable$_{PL}$ objections do not put reasonable$_{PL}$ views in this need. But, evidently, O'Neill assumes that political liberals (or the reasonable$_{PL}$) should take such objections to put such views in this need. That O'Neill commits herself to the view that we may at least sometimes rely on an unvindicated view of reasonableness, then, does not deadlock her case. Instead, it shifts the issue: the question now becomes when views or stretches of practical reasoning are, or should be taken to be, in need of justification.

5. *Conclusion: on being in need of justification*

Unfortunately, O'Neill never raises, addresses or answers the question of when practical views or stretches of practical reasoning are in need of justification. Throughout her writings, she argues as if the fact that *S* is claimed to have, but is not established to deserve, authority puts *S* in this need. But from the above it is evident that this is not an option for her: it would bring back the regress problem. Still, the second aspect of her objection against political liberalism might not, or not yet, be deadlocked. The above seems to point toward another, distinct view on the issue of when the need to justify things arises in the first place that might be an option for her. Let me now try to reconstruct, or – as O'Neill gives us very little to work from here – conjecture, what sort of view this might be. For what is relevant now, I shall focus on the issue of disagreement only.[192]

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[191] For this and what I say in the next paragraph, see I.13.

[192] The following seeks to strike a balance between a charitable reconstruction of O'Neill (or, rather, of what she might have in mind) and a conjecture about what might be a view

To begin with, O'Neill does not seem to reject that disagreement puts some view of ours, *S*, in need of justification only if it is reasonable disagreement. Nor does she seem to reject that we may judge by our own lights whether disagreement about *S* is reasonable.[193] Rather, she seems to commit herself to the view that, in assessing the reasonableness of disagreement about *S*, we are to employ a view of reasonableness that is abstract or thin enough to qualify all, or, say, almost all, others for whom *S* claims authority as reasonable.[194] Next, in her view, stretches of practical reasoning can vary in scope.[195] This would allow for the idea that the views of reasonableness by the lights of which we are to assess the reasonableness of token cases of disagreement may, depending on the range

on the issue at hand that accords with universalist constructivist aspirations. As to the question of what view on that issue we should adopt, I do not know what the best answer is. It is clear that we tend to suppose that we can tell when beliefs are in need of justification. Yet it is equally clear that the way we go about things here often simply mirrors what we, but not always those with whom try we reason, firmly believe in. Ironic instances of this are cases where others are criticised for not justifying what is in need of justification, while the view that they fail to justify what is in this need is uncritically taken not to be in this need, or where others are accused of dogmatism in ways that are themselves dogmatic. It might be added that even Mill's defence of freedom of expression in *On Liberty* falls prey to some such problem. On one reading, Mill argues that state power may enforce or protect (practical) views only if these views, within the widest possible scope, successfully answered all objections and criticisms – a merit that, for Mill, substantial, non-analytic views rarely earn. Now Mill's view applies to itself. Hence, on his own premises, it would be illegitimate to politically enforce or protect it unless its truth is finally settled. Thus, his case seems to collapse. See Mill, *On Liberty*, ed. John Gray, Oxford 1991, esp. 20-28, 40ff., 49.

Things would be easy if we could claim that (almost) everything is (almost) always in need of justification, so that the fact that we never answer to this need all the way down (assuming for the moment that this is possible) is just another reflection of the ways in which 'real life' impairs our best efforts to be reasonable. But this would assume an implausibly austere view of reasonableness. In fact, a standard of reasonableness that is never met by real people that try hard, and that would render all of us dogmatic most of the time, does not seem to be a standard of *reasonableness* at all – unless we are prepared to believe that our best attempts to reason practically are, and will always remain, mere failures. Yet this would be an all too tragic way to locate ourselves in the universe of *our* practices.

[193] Accordingly, O'Neill emphasises that she construes practical reasoning "*from the reasoner's point of view*": see O'Neill (1996), 58.

[194] Recall also that O'Neill accepts justificatory universalism and normative minimalism: see II.9f.

[195] O'Neill (1996), 11, 55, 113ff. See also II.10, above.

of others for whom the views in question claim authority, vary in their degree of abstractness or thinness. On this idea, then, we may in some contexts employ some view of reasonableness that is less abstract or thicker in content than in other contexts – so long as, in all contexts, we employ some view of reasonableness that is abstract or thin enough to qualify all, or almost all, others for whom our reasoning claims authority as reasonable.[196]

If this is on O'Neill's lines, O'Neill, not unlike Timmons and political liberals, would accept that we may judge by our own lights whether disagreement constitutes positive reasons to doubt our views, or when it raises the need to justify things. Yet O'Neill would accept this only conditionally: unlike Timmons and political liberals, she would add that, in Timmons's idiom, our background beliefs and goals should be such that we recognise the right sort of disagreement as reasonable – which, in turn, would be a matter of employing a view of reasonableness that qualifies all, or almost all, others for whom our views claim authority as reasonable. As long as this condition is met, O'Neill would concede that reasoners may, depending on the range of others whom they must acknowledge as relevant others, employ views of reasonableness that may vary in their degree of abstractness or thinness.

This constitutes no more than a mere beginning of an answer to the question of when practical views and stretches of practical reasoning are in need of justification. Yet, as far as I can see, it is the only view on that issue that is both suggested by what O'Neill implies, or, rather, has reasons to concede, and that might also be an option for her. Let me take this as a reason to stipulate that O'Neill supposes, or would have to suppose, this view, and attribute it to her. Whatever more fully-fledged account of when practical views or stretches of practical reasoning are in need of justification best suits her revised,

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[196] The following might illustrate this point. Suppose your view S claims authority for reasonable$_{PL}$ people only. Thus, you would only need to construe reasonable$_{PL}$ disagreement about S as reasonable, and so as raising the need to justify S. By contrast, suppose that S claims authority for reasonable$_{PL}$ and unreasonable$_{PL}$ people, such as, e.g., the principles that political liberals advocate. In this case, you would have to assess the reasonableness of disagreement about S by the lights of a view of reasonableness that is abstract or thin enough to qualify reasonable$_{PL}$ *and* unreasonable$_{PL}$ people as reasonable. Hence, you would have to take at least some stretches of unreasonable$_{PL}$ disagreement about S as raising the need to justify S.

contextualised notion of the structure of practical reasoning, then, it would have to be consistent with the view just sketched.

Now, there are two sets of considerations that suggest that even if O'Neill supposes this view, the first aspect of her objection against political liberalism would not, or at least not in its own right, succeed. On the one hand, this view has problems in its own right. On the other hand, even if these problems can be overcome, O'Neill would be committed to not rely on this view in arguments against political liberalism prior to justifying it on the basis of reasons that political liberals could accept – and there is no such justification in O'Neill.

Starting with the first set of considerations, there are three issues that should be pointed out now. First, on the picture that the view in question suggests, it would follow that if you rely on or advance views that claim authority for everyone, you would have to assess the reasonableness of disagreement about these views in terms of some conception of reasonableness that is abstract or thin enough to qualify everyone, or almost everyone, as reasonable. But this would yet again make it hard to see how you could ever be entitled to claim such views to have authority. That is, unless the type or range of disagreement that you are to consider as reasonable is further qualified or restricted, you are left with the fact that there are almost always people who disagree with at least some of the things that you rely on, or would rely on, in arguing for such views (including, as it were, your conception of reasonableness). Thus, it would seem, almost everything you rely on, or would rely on, in arguing for such views would be in need of justification. Hence, to avoid the danger of being overdemanding – or, alternatively, of either rendering people dogmatic most of the time or else of asking people to not claim universal authority for their views – O'Neill's picture would have to be enriched with further qualifications or restrictions of the sort just referred to.

Second, there is something counter-intuitive about that picture. I take it that you believe that one may not torture others for fun. Now there are, and in any case can be, people who sincerely and knowingly believe that one may torture others for fun. On O'Neill's picture, then, you would have to construe such people as reasonable and take their disagreement with you as putting your view in need of justification. By implication, you would be entitled to claim your view about torture to have authority only if you reassured yourself that it is followable

by these others as well. Yet this seems to grant too much. For it grants that sincerely and knowingly believing that one may torture others for fun does *not*, or at least not prior to further justification, impugn one's reasonableness. But, intuitively at least, even prior to further justification, sincerely and knowingly endorsing such a horrible view *does* impugn one's reasonableness. And, again, at least intuitively, if your view about torture is in need of justification, the fact that there are relevant others who sincerely and knowingly believe that one may torture others for fun does not seem to be what puts it in this need – instead, it would seem, all that this fact would show is that these others are wrong. To avoid such counter-intuitive consequences, then, O'Neill, again, would have to further qualify or restrict the type or range of disagreement that we are to consider as reasonable.[197]

Third, there is something odd about the structure of O'Neill's picture. That picture would reduce the task of determining whether some view of yours, *S*, is in need of justification to the task of determining whether some relevant others reject *S* – for, on that picture, you would always be required to construe their disagreement with you as reasonable, and so as something that puts *S* in this need. Yet cases of the sort just mentioned – i.e., cases where some relevant others reject

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[197] O'Neill cannot respond, say, that people would not hold such horrible views if they observed that our practical reasoning must be followable by all others for whom it claims authority. For this would yield support for her only if she supposes that people are reasonable just in case they endorse that very view of practical reasoning – by her lights, however, building universalist constructivism into the view of reasonableness from which she starts would be arbitrary. Nor can she appeal to the meaning of the word 'reasonable'. Following Moore, reasonableness involves a commitment to a practice of 'reason-giving', and reasonable people assume that others are 'worthy of reason-giving and some minimum consideration'. And, I conjectured, reasonable people seek unanimity. Yet this seems too thin to imply that one may not torture others for fun. Suppose I am a high-priest of a doomsday sect and that experiencing the pleasure that I have long trained myself to derive from torturing others is my form of worship (I might even believe that if it was my lot, I should enjoy being tortured). Now I might believe that you deserve an account of why I will torture you, and I might sincerely seek to convince you; not least, I might believe that you, as a sentient creature, deserve to suffer as little as possible. But I might not construe unanimity in constitutive terms (or might not construe you as reasonable), and hence might override your objections and go ahead anyway. Of course, this would show that I am quite disturbed. Yet, judged by the meaning of the word 'reasonable', I would not, or not prior to further argument, be unreasonable – even though I might be unreasonable in some sense of the notion that reflects a more substantive *conception* of reasonableness.

S for reasons (or in ways) that, at least from our point of view, are themselves unreasonable – suggest that this does not match the way we go, or would go, about the issue at hand. For, it would seem, even if *S* claims authority for me, you would not take the fact that I reject *S* to give you a reason to adopt, or to reason toward, a view of reasonableness that qualifies me, and my rejection of *S*, as reasonable unless you take me, and my rejection of *S*, to be reasonable *in the first place*. Accordingly, should you believe that *S* cannot be rejected reasonably, or that I reject *S* in a way that is unreasonable, then, from your point of view, adopting some view of reasonableness that would nevertheless qualify me, or my rejection of *S*, as reasonable might simply mean being insincere or bowing to my unreasonableness – something that does not seem to be reasonable itself. It thus seems that we would adopt views of reasonableness that qualify others who disagree with us as reasonable only within the limits of what we *already* consider to be reasonable, or at least not unreasonable. Thus, O'Neill would have to explain why this is unreasonable itself, or how it can be made consistent with her picture – in a way that avoids both overdemanding and, if possible, counter-intuitive consequences.

Turning now to the second set of considerations, suppose that problems of the sort just indicated could be overcome. Still, the view I have (stipulatively) attributed to O'Neill would not provide her with what she needs. This view would commit her at least initially, i.e., prior to further justification, to construe political liberalism's way of going about reasonable disagreement as reasonable. By implication, O'Neill would have to concede that the view in question is itself in need of justification. Hence, she could not, without further justification, rely on it in arguments against political liberalism. Now O'Neill implies that first-order and second-order practical reasoning may claim authority if, and only if, it is suitably followable by the relevant others – including political liberals (or the reasonable$_{PL}$). In justifying the view in question, then, she would have to avoid invoking assumptions that political liberals are from the outset committed to reject. However, there is nothing in O'Neill's view of the structure of practical reasoning that provides any such justification. If that is so, the first aspect of O'Neill's objection against political liberals does not in its own right achieve its aims.

However, there is a line of thought in O'Neill that might provide some

support for the view of when things are in need of justification that I have (stipulatively) attributed to her. For, whatever justifies the view in question, the idea that we are to assess the reasonableness of disagreement by the light of some view of reasonableness that is thin and inclusive enough to qualify all, or almost all, others for whom our reasoning claims authority as reasonable might seem plausible if we suppose that these others should be included in the scope of practical reasoning. Even though the first aspect of O'Neill's objection against political liberalism fails to achieve its aims, its plausibility partly depends on her view of the *scope* of practical reasoning. To her view of that scope, then, we should turn next.

IV. On the scope of practical reasoning

IV. On the scope of practical reasoning

1. *Some preliminary remarks on O'Neill's approach*

The first aspect of O'Neill's objection against political liberalism fails to achieve its aim. If O'Neill nevertheless provides us with the sort of case against political liberalism's particularism that would be needed here – which, amongst other things, would ask her to argue from premises that political liberals are not from the outset committed to reject – the second aspect of her objection, and hence her case about the scope of practical reasoning, must do the main work. To this case, then, we should now turn.

O'Neill, I take it, seeks to establish:

(A) Agents "cannot reasonably exclude from the domain of reason or of ethical consideration others with whom or on whom they take themselves to interact or act."[198]

As I read her, she takes (A) to be, or to imply, the view that agents are locally incoherent, and in this sense unreasonable, if they maintain that the precepts governing their interactions with other people need not be followable by them. Thus, reasonable$_{PL}$ people would be locally incoherent, and in this sense unreasonable, if they maintained that principles of political justice need not be

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[198] O'Neill (1996), 65.

followable also by the unreasable$_{PL}$.[199] O'Neill argues for (A) in two main steps:

> (A1) Agents, in taking themselves to interact with or act upon others, presuppose certain abstract, factual assumptions about these others and their relation to them. In particular, they presuppose that those whom they take to be recipients of their activity are 'sources of activity' that are connected to them and vulnerable to the effects of their activity.

> (A2) It is locally incoherent, and in this minimal sense of the notion unreasonable, for agents not to accord ethical standing and consideration to others with whom or on whom they take themselves to interact or act.

Some things may be highlighted now. First, (A1) and (A2) suggest that O'Neill aims at a *progressive* case about the scope of ethical consideration: she tries to show whom we should include in this scope *in the first place* and so tries to arrive at, but not to start from, a view of that scope. O'Neill's starting point – i.e., (A1), a view of what she calls the 'presuppositions' of other-regarding activity – seems consistent with various conflicting views about the scope of ethical consideration (in fact, even amoralism seems consistent with it). This aspect of her approach is slightly distorted by her phrasing of (A) – after all, (A) claims that it is unreasonable *to exclude* the relevant others from that scope. To bring out the progressiveness of her approach more clearly, then, I shall read (A) as the claim that it is unreasonable for agents *not to include* all others in the 'domain of reason or of ethical consideration' with whom or on whom they take themselves to interact or act.[200]

Observe next what O'Neill's case would achieve. In arguing from the presuppositions of other-regarding activity, she would argue from premises that

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[199] For O'Neill, supporting, acting on, and enforcing principles of political justice are genuine stretches of activity: "Activity, in the widest sense, may be taken to cover *individual acts and responses*, *feelings and attitudes*, *support for policies*, and *participation in practices*." (*ibid.*, 99)

[200] In IV.6, I shall briefly consider what I shall call a *recursive* reading of O'Neill's case.

we cannot reasonably reject simply in virtue of taking ourselves to interact with or act upon others. The standard of reasonableness operative here would be the standard of local coherence. Thus, whatever more specific commitments, attachments, interests or preferences agents, including political liberals (or the reasonable$_{PL}$), have, and whatever conception of the good, moral outlook, or views of the value of other people agents adopt, *as agents* they could not "reasonably exclude from the domain of reason or of ethical consideration others with whom or on whom they take themselves to interact or act." Still, O'Neill would arrive at a fairly strong conclusion. True, the 'domain of reason or of ethical consideration' would depend upon, and vary with, the range of people whom we take to be recipients of our activity. It would hence not be, say, *strongly* universal – i.e., it would not include every being that was, is, and will be capable of inclusion in the 'domain of reason or of ethical consideration'. Yet it would at least be *weakly* universal in being fully universal within the scope of our other-regarding activity, or what we take to be our other-regarding activity. *A fortiori*, inclusion in that scope would not depend on passing the threshold tests of reasonableness$_{PL}$.

A precautionary remark is in place. O'Neill refers to the scope of practical reasoning in various ways – she calls it the 'domain of reason or of ethical consideration', the scope of 'ethical standing and consideration' or of 'ethical standing' or of 'ethical status', or simply the 'scope of ethics'.[201] And she never spells out in sufficient detail what it actually means to include a being in that scope.[202] This leads to a pervasive ambiguity in her notion of including a being in the scope of practical reasoning. On a strong reading of the notion, including X in that scope means or involves including X in the scope of *justification*, or, in O'Neill's terms, of followability. On an alternative, weak reading, including X in that scope merely means accepting that X, or X's good (X's well-being, interests,

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[201] *Ibid.*, 4f., 64f., 91-97. In *Bounds of Justice*, O'Neill refers to it as the scope of 'moral standing' or 'moral concern': see O'Neill (2000), 197ff.

[202] O'Neill distinguishes the scope of practical reasoning from 'the scope of various ethical principles'. By the latter, she seems to refer to things such as the type of situations, acts or beings to which principles of action apply – things, that is, that are specified by the content of given token practical principles. See O'Neill (1996), 92.

desires, preferences, etc.), matters morally.[203] Yet, intuitively at least, these two senses of including a being in the scope of moral reasoning are distinct: unless further assumptions are made, e.g., about what is good for X, the fact that X, or X's good, matters morally does not imply that the *way* in which X, or X's good, should be taken into account must be justifiable to, or followable by, X. Now, I take it, O'Neill ultimately aims at conclusions about the scope of practical reasoning in the first, strong sense. At present, then, let me ignore this ambiguity and follow O'Neill's nomenclature (I shall come back to this issue in IV.C). Accordingly, I shall for now make two simplifying assumptions:

> (i) Political liberals suppose that they may include in the 'domain of reason or of ethical consideration' only reasonable$_{PL}$ people.

> (ii) If O'Neill's case succeeds, the scope of public justification may not be restricted to reasonable$_{PL}$ people. This would assume a view of the scope of public justification that conflicts with the type of standing which agents must accord to those whom they take to be the recipients of their activity.

Hence, political liberals would have to at least initially restrict the scope of public justification to people who pass different, inclusive, and hence *thinner* threshold tests of reasonableness. Thus, public justification would have to at least initially include unreasonable$_{PL}$ people in its scope. Consequently, political liberals would have to publicly justify why one should be reasonable$_{PL}$ *in the first place*. And this, at the bottom line, would provide us with what we need.

Not least, a note on the interpretative strategy I shall pursue below might

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[203] There is only indirect evidence for this ambiguity in O'Neill. On the one hand, it seems to me, she intends to not rule out from the outset that beings lacking whatever capacities that are necessary to follow practical reasoning can have ethical standing. On the other hand, though, she intends to determine by whom practical reasoning needs to be followable (where inclusion in the scope of followability, I take it, supposes the relevant capacities). Now O'Neill nowhere addresses the issue of why (or when), if X must be included in the scope of practical reasoning in the second, weak sense, X must also be included in the scope of practical reasoning in the first, strong sense. Given this omission and these two intentions, O'Neill's notion of including a being in that scope becomes ambiguous. The first intention suggests that we understand this notion in its weak sense, the second suggests that we understand it in its strong sense.

be helpful. We shall find that O'Neill's case about the scope of practical reasoning is beset by problems: at least on the surface, it fails to duly support its conclusion, (A). Now I shall adopt the interpretative hypothesis that, on explicitly stated or tacitly supposed grounds, O'Neill reaches that conclusion. On that basis, I shall use the pitfalls in her arguments as a means to bring out assumptions that O'Neill tacitly supposes, or is committed to supposing, to reach that conclusion. Following this strategy ensures that especially the critical results of my discussion will be followable by O'Neill. And this in a fairly strong sense: if I am successful, for O'Neill to reject these results would come at the cost of the concession that her conclusion is not available for her.

My discussion comes in three parts. Part A explains why, contrary to what O'Neill suggests, her view of the presuppositions of other-regarding activity does not carry the weight of (A). These presuppositions only determine whom we should include in the 'domain of reason or of ethical consideration' if a further view about the ethical standing of what O'Neill calls 'vulnerable and connected sources of activity' is supposed. But supposing this further view would make her case both circular and question-begging against political liberals. Part B revisits this conclusion. If we take into account the ambiguity sketched above, it emerges that her case might not be circular *if* she invokes normative content that political liberals are committed to reject, but that, as far as her arguments go, remains unvindicated. Part C explores what the results of part B imply for O'Neill's universalist constructivism. Her *own* case – a case that seeks to support the view that practical reasoning must be followable by all others for whom it claims authority – is committed to invoke grounds that are not suitably followable by all relevant others. To avoid higher-order particularism, I shall argue, O'Neill should hence embrace a form of perfectionism. Part C also elaborates on a view of the good that might come in here, and considers problems the emerging, hybrid form of universalist constructivism faces.

A. From other-regarding activity to ethical standing?

2. *Presuppositions of other-regarding activity*

According to O'Neill, agents who engage in other-regarding activity presuppose numerous assumptions about those whom they take to be their recipients, about their relation to them, and about how their recipients can be affected by the activity in question. The token assumptions agents presuppose can vary from one activity or one situation to another, and from one agent to the next. Still, O'Neill believes, it is possible to abstract from these differences and to group these assumptions under three abstract "headings":

> Three rather abstract and deeply interconnected aspects of the countless specific assumptions that structure all activity are particularly relevant for fixing the appropriate scope of ethical consideration. These are the assumptions *that there are others* (seen as *separate from* the agent); *that those others are nevertheless connected to the agent* (either or both can act on the other); and *that those others have limited but determinate powers.* For convenience I shall speak of assumptions of *plurality, connection* and *finitude.*[204]

Assumptions of plurality, connection and finitude are essential for the task of fixing the scope of ethical standing and ethical consideration: if and only if assumptions under all three headings are made is there

> a basis for agents to determine which others they are committed to according ethical standing and consideration. Where activity is not predicated on any assumed conjunction of forms of plurality, connection and finitude, the scope of ethical standing and consideration will remain wholly undefined.[205]

We can summarise O'Neill's account of assumptions of plurality, connection, and finitude briefly. In her view, agents 'predicate' activity on assumptions of plurality whenever they make assumptions to the effect that there *are* others,

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[204] *Ibid.*, 100f.

[205] *Ibid.*, 101.

individuated by the agent or not, who qualify as 'independent sources of activity' and who are thus capable of acting or reacting in response to the effects of the agent's activity.[206] Agents make assumptions of connection, in turn, whenever they assume that there is a 'real possibility' that their activity has direct or indirect causal influences on others.[207] Not least, activity assumes finitude whenever agents take their recipients to be, in one way or other, limited enough in their powers, capacities, and capabilities to be vulnerable to the effects of activity.[208] Suitably simplified, this yields a view like:

> (1) Whenever agents take themselves to interact with or act upon others, their activity presupposes assumptions to the effect that these others are sources of activity which are connected and vulnerable to them.

A brief comment on (1) is in place. (1) is quite plausible (in fact, it might seem trivially true). And yet, assumptions of plurality, connection, and finitude do not seem to be presuppositions of *all* stretches of activity that can intelligibly be claimed to be 'other-regarding'. For instance, when we act on a foetus, non-human primates, or irreversibly demented or comatose patients, we might very well take them to be vulnerable and connected 'others' without assuming that they are genuine sources of activity.[209] Next, a worshipper's claim that his prayers are a dialogue with god, so constitute some kind of interactivity, is not unintelligible simply because he does not take god to be vulnerable to his prayers.[210] Not least, think of collective empirical agents (groups) and impersonal empirical agents (legal persons, legislative assemblies, nations, states).[211] It is unclear why it should be unintelligible to claim that one interacts with or acts upon such agents (e.g., as a speaker in a colloquium, or during a hearing in parliament) even though one does not believe that, or lacks any view about whether, they are vulnerable sources of activity. Now O'Neill neither restricts the

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[206] See *ibid*., 102f., 115.

[207] *Ibid*., 104ff., 116ff.

[208] See *ibid*., 106, 109ff.

[209] O'Neill seems to acknowledge this point: see *ibid*., 94, 110f.

[210] I owe this example to Andreas Muth.

[211] On these types of agents: see Georg Henrik von Wright, *Norm and Action*, London 1963, 37ff.

type of things that might be referred to as 'others', nor focuses on what activity would (or would not) presuppose if agents endorsed suitably restrictive views about the type of things one may refer to as 'others'. Thus, such cases constitute counterexamples to (1).

It therefore seems best to from the outset restrict (1), and hence O'Neill's entire case, to cases where agents take their recipients to be personal empirical agents, or real people like you and me.[212] Evidently, if I claim that my recipients are real people but *deny* that they are capable of agency, or could be harmed by the effects of my activity, or are somehow connected to me, something went wrong. I would contradict views that I cannot contradict if what I want to talk about are real people. Thus, you would not know what I intend to refer to. If that is right, there is a sense in which assumptions of plurality, connection and finitude are presuppositions of other-regarding activity. An agent's claim that he interacts with or acts upon real people will be intelligible to us only if he makes assumptions to the effect that his recipients are vulnerable and connected sources of activity.[213] Assumptions of plurality, connection and finitude, then, are presuppositions of other-regarding activity not in virtue of what it means to interact with or act upon 'others', but in virtue of the *type of beings* we take ourselves to interact with or act upon. Thus, if true, (1) is true of that *sub*-class of activity that addresses real people, or beings the agent takes to be real people. With this caveat in mind, let us grant (1).

3. *Why more is needed*

Now (1) is insufficient to establish that it is unreasonable for agents not to include in the 'domain of reason or of ethical consideration' all others with whom or on

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[212] *Ibid.*, 38.

[213] Assumptions of plurality, connection and finitude might have the status of what Martin Hollis calls 'bridgehead' assumptions. See Hollis's "The Limits of Irrationality," in Brian Wilson (ed.), *Rationality*, Oxford 1970, esp. 214ff. In Hollis's terms, we suppose that others "perceive more or less what [we] perceive and (...) that they say about it more or less what we would say." This supposition guides and shapes our attempts to make sense of what they do or say. 'Bridgehead' assumptions, then, are assumptions that we expect others to make and which we attribute to them in forming an understanding of what they mean with what they say.

whom they take themselves to interact or act. There are at least two reasons for this. First, even if it is unreasonable not to accord ethical standing and consideration to vulnerable and connected sources of activity, it needs to be shown why agents should, *upon reflection*, assign authority to the assumptions about others they suppose in other-regarding activity. There is a difference between the claims:

(i) Under conditions C, I take X to have the property P.

(ii) X has the property P.

If we accept (1), we accept something like (i), i.e., that, under the conditions of other-regarding activity, we take others to have the property of being vulnerable and connected sources of activity. But this does not mean that we should, upon reflection, accept something like (ii), i.e., that these others indeed have that property. Perhaps the standpoint of agency leads us to make assumptions that, upon reflection, we would have reasons to reject. After all, the token assumptions made in other-regarding activity might sometimes or even often be false or inaccurate. Consequently, unless we have reasons to believe that the assumptions supposed in other-regarding activity are reliable, the fact that we make them does not commit us to accord ethical standing or consideration to those about whom we make them.

More important, second, even if agents should assign authority to these assumptions, it must be shown why they are to accord ethical standing and consideration to those about whom they make these assumptions. (1) leaves open *how* agents should relate to those about whom they make assumptions of plurality, connection and finitude, and hence does not show that agents should include these others in the scope of ethical consideration. Evidently, these assumptions can motivate and guide ways of only instrumentalising others: many forms of deliberately inflicting suffering and humiliation suppose a detailed awareness of the agency of others, of their vulnerability, and of ways to exploit their agency and vulnerability. Torture, for instance, is the more effective the more detailed this awareness is; and far from providing a reason not to harm the victim, this awareness guides the way torturers proceed. Unless O'Neill explains *why* sources of activity which are connected to and vulnerable to us should be accorded ethical standing and consideration *in the first place*, then, (1) will not

advance the task of determining the scope of ethical consideration.[214]

4. *What else does O'Neill offer?*

Clearly, this is the crucial part of O'Neill's argument. As I read her, she makes two complementary points. Her first point seems to be that agency can be successful only if it relies on assumptions that are by and large true. Thus, agents are under a constant adaptive pressure to examine and, if necessary, revise their views about their environment, including views about other people. Now the assumptions made in other-regarding activity are formed under this pressure. Hence, O'Neill seems to conclude, they are not only our best guess, but are likely to be accurate.[215]

  Now, I take it, it is quite plausible to assume that agents try to base activity on assumptions which are true because, in practice, this is a condition of success. But this does not explain what reasons agents have to assign authority to the assumptions they actually make in other-regarding activity. Rather, it supposes that they have such reasons and hence, upon reflection, stick to these assumptions. Yet let us grant that agents normally cope well with adaptive pressures, that the assumptions they make in other-regarding activity are by and large accurate, and that agents stick to these assumptions only if they, upon reflection, believe them to be true.[216] Even if so much is granted, however, more

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[214] This would not be so if we suppose that the property of agency (or of the capacity for agency) is by itself sufficient to constitute ethical standing. In this case, (1), together with the assumption that it is unreasonable not to accept the assumptions made in other-regarding activity, would imply that agents are to accord ethical standing and consideration to those about whom they make these assumptions. Yet this rather 'perfectionist' position is one of the views O'Neill rejects. See O'Neill (1996), 91-95. For more on O'Neill and perfectionism, see below.

[215] This line of thought can be extracted from *ibid*., 100, 106.

[216] This might mean to idealise. Yet we can reinforce O'Neill's point by distinguishing, on the lines of her views, between the token assumptions and the type of assumptions agents make in other-regarding activity. Perhaps agents encounter reasons to believe that their token assumptions about others are sometimes or even often inaccurate. But they might still believe that it is accurate to make assumptions of that type. Thus, they might still believe that *some* set of assumptions of plurality, connection and finitude should guide other-regarding activity, and hence, given (1), continue to assume that their recipients are vulnerable and connected sources of activity.

is needed: why should agents accord ethical standing and consideration to those about whom they make these assumptions?

This leads to O'Neill's second point. First, she concedes that it is (psychologically) possible not to 'acknowledge' the assumptions about others made in other-regarding activity. Agents, O'Neill insists, might not always be *aware* of, or *consciously recognise*, the assumptions about others they nevertheless make in other-regarding activity. These assumptions

> are not presuppositions about states of consciousness. Each term [i.e., 'plurality', 'connection', 'finitude'] refers to abstract aspects of the presuppositions of activity which *may or may not* be present to agents' consciousness. Activity may be premised on assumptions which agents deny, ignore, dispute or repress. This makes it easy for them to deny, doubt or diminish others' ethical standing, even where their activity evidently takes for granted that those others are agents or subjects.[217]

However, second, O'Neill seems to claim that it is incoherent, and in this sense unreasonable, for agents not to accord ethical standing and consideration to those about whom they make these assumptions. Regarding assumptions of finitude, for instance, O'Neill claims that the

> [a]ctual assumptions about others' finitude – about their capacities, capabilities and vulnerabilities – cannot coherently, or honestly, be dropped or replaced with imputations of different characteristics, such as 'idealised' capacities and capabilities, or forms of invulnerabilities when considering others' ethical standing: *What is assumed for purposes of activity must also be assumed in fixing the scope of ethical consideration.*[218]

Or, in more general terms:

> [Plurality, connection and finitude] cannot be assumed for action or in taking up attitudes or in supporting policies and relying on practices, but then denied when ethical questions arise. In particular when agents *commit* themselves to the assumption that there are certain others, who are agents or subjects with these or those capacities, capabilities and vulnerabilities, they

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[217] *Ibid.*, 102.

[218] *Ibid.*, 106.

cannot coherently deny these assumptions in working out the scope of
ethical consideration to which they are committed. Commitments to others'
ethical standing are taken on as soon as activity is planned or begun.[219]

Whenever activity assumes a plurality of finite and connected others,
[agents] are also committed to including those others within the scope of
their ethical consideration.[220]

These passages seem to be at the heart of O'Neill's case. They suggest something
like:

> (2) Since (i) agents are to 'acknowledge' the assumptions about others
> that they make in their other-regarding activity, (ii) it is incoherent,
> and in this sense unreasonable, for agents not to accord ethical
> standing and consideration to those about whom they make these
> assumptions.

Let us grant (2.i). Let us also suppose that if agents 'acknowledge' assumptions to
the effect that others are vulnerable and connected sources of activity, they accept
the view that these others *are* such sources. However, what follows from here?
How do we get to (2.ii)?[221]

5. *A problem*

O'Neill wants to establish that it is unreasonable for agents not to include all

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[219] *Ibid.*, 100.

[220] *Ibid.*, 113.

[221] While O'Neill endorses (2.ii), it is not clear in virtue of what the incoherence (2.ii)
refers to obtains. What she says oscillates between three views. She might claim that (i) it is
incoherent not to 'acknowledge' the assumptions we make in our other-regarding activity; or that
(ii) it is incoherent to make these assumptions about X, but to deny X ethical standing; or that (iii)
it is incoherent to accord ethical standing to some vulnerable and connected sources of activity but
not to all others about whom we make the relevant assumptions. (i), it seems, comes down to the
view that we are locally incoherent if we do not accept the assumptions that we make in
interacting with others. This view may or may not be true; however, it advances O'Neill's
argument only if (ii) or (iii) can be defended. As to (ii), I shall turn to it in the next section. (iii)
will in effect be addressed in section 6, below.

others in the 'domain of reason or of ethical consideration' with whom or on whom they take themselves to interact or act. (1) and (2) suggest that this unreasonableness is based on the fact that it is incoherent for agents not to accept that those whom they take to be their recipients are vulnerable and connected sources of activity. Yet all that O'Neill shows, if anything, is that in taking themselves to interact with or act upon others, agents are committed to the view that these others are such sources. Strikingly, there is nothing in O'Neill that explains *why*, if we take others to be such sources, we have to include them in the 'domain of reason or of ethical consideration'. I think that the only explanation for this omission is that O'Neill from the outset supposes a view like:

> (3) Agents should accord ethical standing and consideration to all others whom they take to be sources of activity which are connected to and vulnerable to them.

Now unless O'Neill actually establishes (3), her argument is, it seems, circular. In the respect relevant now, (3) amounts to little more than a refined restatement of the view she wants to establish in the first place, i.e., the view that it is unreasonable for agents not to include all others in the 'domain of reason or ethical consideration' with whom or on whom they take themselves to interact or act. This view and (3) mainly differ in conceptualising these others in distinct ways. The claim O'Neill is after characterises them as those 'with whom or on whom agents take themselves to interact or act'. (3), in turn, specifies them as 'those whom agents regard as sources of activity which are connected and vulnerable to them'. In each case, however, the background assumption is that these others should be included in the 'domain of reason or of ethical consideration' (whatever the best way to conceptualise them). But this is what needs to be shown. Hence, O'Neill's argument would be circular.

By the same token, O'Neill would beg the question against political liberals. By hypothesis, political liberals assume that they need to include in the 'domain of reason or of ethical consideration' only those who pass political liberalism's threshold tests of reasonableness. True, they cannot deny that some of those with whom or on whom they take themselves to interact or act do not pass these threshold tests. And, assuming that O'Neill's analysis of the presuppositions of other-regarding activity is correct, they must also accept that these others are vulnerable and connected sources of activity. Yet they do not

need to deny these things. For, from the outset, they assume, or are committed to assume, that inclusion in the 'domain of reason or of ethical consideration' does *not* (or at least *not only*) depend on being such a source. Now O'Neill supposes, but does not establish, (3), so supposes, but does not establish, that political liberals are wrong. Hence, O'Neill would beg the question.

6. *A recursive case?*

The assumption that O'Neill aims at a progressive case about the scope of practical reasoning is, I take it, interpretatively adequate. But let me outline another, *recursive* reading of her case. It is worth observing why, also on this reading, O'Neill would take for granted a claim like (3).

In her *Bounds of Justice*, O'Neill writes:

> When we do this [i.e., premise our actions, plans and policies on there being agents and subjects], we are committed to ascribing to them the same moral standing that we ascribe to nearby and familiar others in whom we assume like capacities.[222]

This might be taken to indicate that O'Neill's overall aim is not to show to whom agents are to accord ethical standing in the first place, but to show to whom they are to accord that standing *if* they already accord it to *some* others. Accordingly, the passages which yielded (2) could also be read as claiming:

> (2*) Since (i) agents are to 'acknowledge' the assumptions about others that they make in their other-regarding activity *when questions of ethical standing arise*, (ii) it is incoherent, and in this sense unreasonable, for agents not to accord ethical standing and consideration to those about whom they make these assumptions.

On this reading, the caveat "when questions of ethical standing arise" suggests that O'Neill supposes that agents are already committed to include *some* others in 'the domain of reason or of ethical consideration' with whom or on whom they take themselves to interact or act. This is certainly plausible. It is distinct from the view O'Neill wants to establish in the first place. Not least, it is acceptable by

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[222] O'Neill (2000), 197.

political liberals (in fact, only amoralists might reject that supposition). Hence, it would be a good starting point for her argument. Against this background, then, O'Neill would try to make a case such as:

> (B) (i) Agents include others in the scope of ethical consideration *because* they take them to be vulnerable and connected sources of activity; and (ii) agents are committed to the view that *all* those with whom or on whom they take themselves to interact or act are such sources. Therefore, (iii) agents must include *all* others in this scope with whom or on whom they take themselves to interact or act.

Thus, O'Neill's argument would amount to a combination of a *recursive* case about the scope of practical reasoning and an *expansion argument*. As a recursive case, O'Neill's argument would try to reconstruct on what grounds agents include others in this scope (this is step (i)). As an expansion argument, it would aim at arguing that since agents accord ethical standing to *some* others because they ascribe to them the property of being a vulnerable and connected source of activity, they cannot refuse to accord the same status to *all* others to whom they are committed to ascribe that property (this is the step from (i) and (ii) to (iii)). If this expansion argument succeeds, political liberals would have to accord ethical standing to unreasable$_{PL}$ people.

It is clear where the problem is. If we grant (ii), the burden of the argument rests on (i). Now all that O'Neill shows, if anything, is that in taking themselves to interact with or act upon others, agents take these others to be vulnerable and connected sources of activity. If we add the supposition in the background of (B) – i.e., that agents accord ethical standing and consideration to some others with whom or on whom they take themselves to interact or act – it follows that agents accord that status to some others who they take to be such sources. Yet O'Neill does not show, nor does it follow, that agents accord that status to these others because, or *for the reason that*, they take them to be such sources. If you include Betty in the scope of ethical consideration and if you are committed to the view that Betty has the property P, it does not follow that you include Betty in this scope because, or for the reason that, Betty is P. It does not even follow that Betty's being P is *a* reason to include Betty accordingly (or that you take P to be such a reason), or, say, that you may not include Betty for some *other* reason. Hence, O'Neill's attempt to make a recursive case about the scope

of ethical consideration would fail. Consequently, the expansion argument would not get off the ground.

   Also on this reading, then, O'Neill would suppose a view to the effect that if agents are committed to ascribe to others the property of being a vulnerable and connected source of activity, they should *for that very reason* accord ethical standing and consideration to them. And this is more or less what (3) comes down to. Hence, O'Neill's argument would be circular: her recursive case would in effect rely on a view her expansion argument tries to establish. Moreover, it would beg the question. The political liberal does not need to deny that some others to whom he does not accord ethical standing are vulnerable and connected sources of activity. Nor does he need to deny that all others to whom he accords that status are vulnerable and connected sources of activity. He does not even have to deny that the property of being a vulnerable and connected source of activity is *part* of the reason, or is *a* reason, to accord to others that status. He might simply claim that this property is insufficient for that status, or, say, that while it is a *prima facie* reason for that status, this reason can be overridden if beings that show it do not pass his thick threshold tests of reasonableness. Yet again, O'Neill's case would fail both on its own terms and as a case against political liberals.

B. From moral concern to discursive respect?

7. *O'Neill's case revisited*

There are, however, reasons to reconsider this conclusion. We have already seen that O'Neill's notion of including a being in the scope of practical reasoning is ambiguous. This ambiguity suggests an interpretation of her views on which her case might be neither circular nor question-begging against political liberals *even though* she supposes, but does not establish, (3). To this we should now turn.

Recall first the two senses we can attach to O'Neill's notion of including a being in the scope of practical reasoning. On a strong reading, including X in that scope means or involves including X in the scope of justification, or, in O'Neill's terms, of followability. On a weak reading, it means to acknowledge that X, or X's good (X's well-being, interests, desires, preferences, etc.), matters morally. On the lines of the conclusion O'Neill ultimately aims at, I have so far assumed that her ways to refer to the scope of practical reasoning are ways to refer to the scope of justification. (This is the upshot of the two simplifying assumptions made earlier on.) Two things would follow:

(i) (3) and (A) refer to the *same* type of ethical standing – i.e., while they differ in phrasing, they essentially employ the same notion of including a being in the scope of practical reasoning;

(ii) (3) is, or implies, a claim about the scope of *justification*.

If (i) is true, O'Neill's case is circular. If (ii) is true, O'Neill's case begs the question against political liberals.

Three observations suggest that we should revisit O'Neill's case. First, it is safe to assume that (A) is a claim about the scope of practical reasoning in the first, strong sense. Yet (3) might be a claim about the scope of practical reasoning in the *second*, weak sense. Now, as I shall argue below, it can be locally coherent to include a being in the scope of practical reasoning in the second, weak sense, but not also in the scope of practical reasoning in the first, strong sense.[223] (3)

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[223] Note that this claim is consistent with the view that it *is* locally incoherent to include *reasonable$_{PL}$ people* in that scope only.

and (A) might hence refer to *distinct* types of ethical standing, while (3) might *not* amount to a claim about the scope of justification. And this might save O'Neill's case from circularity. Thus, O'Neill's case might not be circular *even though* she supposes, but does not establish, (3).

Correspondingly, second, once we observe the distinction between these two senses of including a being in the scope of practical reasoning, O'Neill's and political liberalism's views on the scope of practical reasoning seem to *overlap*. Consider the following, exemplary remark by Rawls:

> [R]easonable people take into account the consequences of their actions on others' well-being. The disposition to be reasonable is neither derived from nor opposed to the rational but is incompatible with egoism, as it is related to the disposition to act morally.[224]

This more or less amounts to the view that reasonable$_{PL}$ people include in the scope of practical reasoning in the *second*, weak sense, all others with whom or on whom they take themselves to interact or act – *whether or not* these others are reasonable$_{PL}$. While O'Neill and political liberals disagree about the scope of practical reasoning in the first, strong sense – O'Neill rejects, and political liberals suppose, that only reasonable$_{PL}$ people need to be included in the scope of (public) justification – they seem to *agree* that we should include in the scope of practical reasoning in the second, weak sense, all others with whom or on whom we take ourselves to interact or act.

If that is so, third, there also is a sense in which political liberals can accept that reasonable$_{PL}$ people should accord ethical standing and consideration to others whom they take to be vulnerable and connected sources of activity – even if these others are unreasonable$_{PL}$: namely, if what is referred to here is their inclusion in the scope of practical reasoning in the second, weak sense. If O'Neill's account of other-regarding activity is correct, reasonable$_{PL}$ people are committed to regard all others with whom or on whom they take themselves to interact or act as such sources. And, as Rawls suggests, they include these others in the scope of practical reasoning in the second, weak sense. True, this does not mean that reasonable$_{PL}$ people include these others in that scope *because*, or *for*

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[224] Rawls (1993), 49, fn. 1.

the reason that, they take them to be such sources. Yet, it seems, there is nothing in here that asks political liberals (or reasonable$_{PL}$ people) to reject that vulnerable and connected sources of activity should be included in the scope of practical reasoning in the second, weak sense. In any case, passing threshold tests of reasonableness$_{PL}$ is *not* a necessary condition for an inclusion in that scope. If (3) is a claim about the scope of practical reasoning in the second, weak sense, then, O'Neill's case might not be question-begging against political liberals *even though* she supposes, but does not establish, (3).

This suggests rereading O'Neill case along the following lines (let me now call the scope of practical reasoning in the strong sense the scope of *discursive respect*, and the scope of practical reasoning in the weak sense the scope of *moral concern*; on moral concern and discursive respect, see next section):

> (C1) Whenever agents take themselves to interact with or act upon others, their activity presupposes assumptions to the effect that these others are sources of activity which are connected and vulnerable to them.

> (C2) Agents should include in the scope of *moral concern* all others whom they take to be sources of activity which are connected and vulnerable to them.

(C1) is identical with (1); (C2) is an updated version of (3). As to O'Neill's claim (2), we may now ignore it. It can be rephrased as the view that since it is incoherent not to acknowledge the assumptions about others made in other-regarding activity, it is unreasonable for agents not to include in the scope of *moral concern* all others with whom or on whom they take themselves to interact or act. For what is relevant now, we may simply take this to be implied by a conjunction of (C1) and (C2). On the basis of (C1) and (C2), then, O'Neill would conclude:

> (C3) It is locally incoherent, and in this sense unreasonable, for agents not to include in the scope of *discursive respect* all others with whom or on whom they take themselves to interact or act.

(C3) is a version of (A2) that, I shall grant, roughly amounts to the view O'Neill ultimately aims at, i.e., (A). Now, as this line of argument might be neither

circular nor question-begging against political liberals even though it reasons from, but not toward, (3) – or, in its updated version, (C2) – charity asks us to read O'Neill accordingly. Subsequent references to O'Neill's case, then, refer to her case in this revisited form.

Let us now ask what, if matters are put in these terms, the disagreement at hand comes down to. It is not, or not essentially, about the question of whether we should include in the scope of moral concern all others with whom or on whom we take ourselves to interact or act, or, as it were, all others who we take to be vulnerable and connected sources of activity. Instead, it boils down to this: political liberals suppose, and O'Neill disputes, that unreasonable$_{PL}$ people may be included in the scope of moral concern *only*. If that is right, O'Neill's case succeeds on its own terms and as a case against political liberalism's particularism only if two conditions are met:

> (i) O'Neill shows that it *is* locally incoherent, and in this sense unreasonable, to include unreasonable$_{PL}$ people in the scope of moral concern only.

> (ii) O'Neill reaches her conclusion without relying on assumptions political liberals are from the outset committed to reject.

O'Neill must meet condition (ii) since her case against political liberalism's restriction of the scope of public reason aspires to be a (higher-order) constructivist case. Condition (i), in turn, reflects the content of (A). On the reading of that claim supposed here, (A) claims that it is locally incoherent for agents not to include in the scope of practical reasoning (i.e., of discursive respect) all others with whom or on whom they take themselves to interact or act. Thus, establishing that it is locally incoherent to include unreasonable$_{PL}$ people in the scope of moral concern but not also in the scope of discursive respect is necessary to establish (A).[225]

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[225] Note that it is not sufficient. Once we consider what it would take for O'Neill's case to succeed beyond the context of an argument against political liberalism, O'Neill would have to show as well that it is locally incoherent not to include in the scope of moral concern some others with whom or on whom one takes oneself to interact or act. Yet for what is relevant here, it suffices to consider how O'Neill can (or could) take the step from moral concern to discursive respect.

I shall now argue that O'Neill does not meet both conditions simultaneously. She offers premises about the scope of moral concern. Her conclusion, in turn, intends to tell us what scope discursive respect has to have. Now premises about the scope of moral concern do not necessarily back conclusions about the scope of discursive respect. Thus, O'Neill reaches her conclusion only if she supposes further, substantial, or, as I shall also say, *conceptional*, views on moral concern or discursive respect. But if she supposes the kind of views on discursive respect that might come in here, she argues in circles and begs the question. If she supposes suitable views on moral concern, she might meet the first condition, but fails to meet the second. Even if she reaches her conclusion, then, her case fails as a case against political liberalism.

To explain why O'Neill is faced with this problem, let me begin with a brief sketch of conceptual aspects of moral concern and discursive respect. This sketch will be stipulative, and I shall not attempt to vindicate what I say. Yet, I hope, it will be uncontroversial (at least O'Neill and political liberals can accept it). I shall then address a view that surfaced already: namely, that it can be locally coherent to include a being in the scope of moral concern only. This view – call it the view that moral concern can be *extensionally distinct* from discursive respect – holds, I shall argue, within two scopes: it can be locally coherent to include what I shall call possible beneficiaries of *moral concern* in the scope of moral concern only (refer to this as 'ED1'), and it can be locally coherent to include possible beneficiaries of *discursive respect* in the scope of moral concern only ('ED2'). Finally, I shall return to O'Neill. While she has reasons to accept (ED2), I shall argue, accepting it renders her unable to meet the two conditions above simultaneously.

8. *On moral concern and discursive respect* (I)

Take moral concern first. Three types of assumptions, I submit, are individually necessary (and jointly sufficient) to commit an agent to include a being, X, in the scope of moral concern:

> (i) assumptions to the effect that X has features (e.g., sentience, consciousness, personhood) such that X can be claimed to have a good;

(ii) assumptions to the effect that X, or X's good, can be positively or negatively affected by our activity, and that we can, with some degree of accuracy, tell what activity affects X positively or negatively;

(iii) assumptions to the effect that the fact that our activity can positively or negatively affect X, or X's good, grounds, yields or gives us reasons to protect or support X, or X's good.[226]

If that is accurate, to include a being in the scope of moral concern, or, as I shall also say, to regard it as a beneficiary of moral concern, is to commit oneself to protect or support it, or its good. It follows that a being is capable of being included in that scope, or is a *possible* beneficiary of moral concern, if, and only if, assumptions of all three types can be made about it.[227]

Turning next to discursive respect, note first that moral concern leaves open what doxastic attitude (if any) beneficiaries of moral concern must be able to sustain toward the *grounds* we act upon in protecting or supporting them, or their good. As it stands, the claim that I protect or support you, or your good, is consistent with the claim that you cannot accept the grounds I act upon in protecting or supporting you, or your good, or the claim that you cannot share *my*

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[226] (i) – (iii) are, I believe, consistent with Stephen R. Darwall's view of what it takes to show (moral) 'recognition respect' to a being, and Mary Anne Warren's notion of what, at the bottom line, it means to accord to a being 'moral status'. See Darwall, "Two Kinds of Respect", *Ethics* 78 (1977), 40; Warren, *Moral Status*, Oxford 1997, 5. Note also that (i) – (iii) help to describe the problem brought to light above. O'Neill's account of other-regarding activity might establish that other-regarding activity commits us to assumptions of the first, and, perhaps, the second type. Yet this does not commit us to assumptions of the third type. Thus, (3) – or, in its updated form, (C2) – is needed: once such a view is supposed, the consideration that our recipients are vulnerable and connected sources of activity becomes a reason to include them in the scope of moral concern.

[227] Putting matters in terms of beings, or the good of beings, is biased against what Dieter Birnbacher calls 'holist' conceptions of ethical standing. See his "Mensch und Natur", in: Kurt Bayertz (ed.), *Praktische Philosophie*, Hamburg 1991, 284ff. 'Holists' assume that some things that are not alive have intrinsic value, and that we can owe it to these things to protect them, or their value. E.g., they might claim that the beauty of the shores of Olympos (a tiny spot on the Turkish Mediterranean coast) is intrinsically valuable and that we owe it to them to preserve their beauty by, say, restricting tourism in that area. Yet I set aside such views. These shores indeed are beautiful; but preserving their beauty, I suppose, could not be owed to *the shores of Olympos*, but to us, or future generations, or, perhaps, to the sea-turtles that hatch there.

conception of your good. True, we might suppose that it is good for others to be treated on grounds these others could accept. Yet we *may or may not* predicate moral concern on some such conception of the good; hence, our notion of moral concern *may or may not* require the grounds we act upon in protecting or supporting other people, or their good, to be acceptable by them. Discursive respect, by contrast, imposes a restriction of unanimity on these grounds: to include others in the scope of discursive respect, I submit, is to commit oneself to act toward them on grounds they could accept.

Supposing that discursive respect builds on moral concern, the three types of assumptions indicated above and, I submit, assumptions of the following two types are necessary (and jointly sufficient) to commit an agent to include some being, X, in the scope of discursive respect:

> (iv) assumptions to the effect that X has an epistemic–practical perspective that enables X to have a view on, e.g., the goodness or badness of reasons for action;

> (v) assumptions to the effect that the fact that X, or X's good, can be positively or negatively affected by our activity, in conjunction with the fact that X has an epistemic-practical perspective, grounds, yields, or gives us reasons to act toward X on grounds X could accept.[228]

If a being lacks an epistemic-practical perspective, and so cannot have views on, e.g., the goodness or badness of reasons for action, it *could not* be included in the scope of discursive respect, and hence is not a *possible* beneficiary of discursive respect.[229]

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[228] I set aside cases of agents who, while being acknowledged as beneficiaries of discursive respect by others, refuse to be included in the scope of moral concern. Such cases, while possible, are consistent with the view that discursive respect builds upon moral concern: this view implies that it is inconsistent to accept one's status as a beneficiary of discursive respect but to reject one's status as a beneficiary of moral concern. It does not follow that one cannot reject both.

[229] This supposes that it could not be the case that we should include X in the scope of discursive respect if X cannot have an epistemic-practical perspective. For what might amount to a different view, see Joel Feinberg's "The Rights of Animals and Unborn Generations", in W. T. Blackstone (ed.), *Philosophy and Environmental Crisis*, Athens 1974. Feinberg suggests that animals can have discursive claims on us, if that their good matters morally, and assuming that it

As I have already noted, I shall make no attempt to vindicate this sketch of conceptual aspects of moral concern and discursive respect. Instead, let me indicate the intuitive idea the above tries to flesh out. There seems to be a difference between *rejecting* that X, or X's good, matters morally (moral concern), and *rejecting* that the grounds we act upon in protecting or supporting X, or X's good, must be acceptable by X (discursive respect). If we reject the former claim, we imply that we are, as far as X is concerned, at liberty to act toward X in any way we please. If we reject the latter claim, however, we seem to imply something weaker. We seem to imply that X does not need to have a say on the grounds we act on in taking into account X, or X's good. Thus, while moral concern contrasts with amoralism only, discursive respect seems to contrast with amoralism *and* dogmatism and (some forms of) paternalism. This, it seems to me, provides at least some intuitive support for what I have said above.

Observe finally that the above sketch allows for a variety of *conceptions* of moral concern and discursive respect. Such views can differ, even conflict, in various ways. Distinct views of moral concern, for instance, might advance conflicting views on issues such as, e.g., the feature (or set of features) that makes a being a beneficiary of moral concern; the ways in which such beings can be affected by us, and what it takes to duly protect or support them; and, not least, why and how the relevant feature (or set of features) yields reasons to protect or support these beings. Similarly, distinct views of discursive respect might advance conflicting views on issues such as, e.g., the reasons we have to make assumptions like (iv) and (v) (see above); what the relevant epistemic-practical perspective must be like; the conditions under which agents may claim that the grounds upon which they act, or would act, are duly acceptable by others, and what thresholds (if any) others' acceptance of these grounds must pass to speak in favour of acting on these grounds; and, not least, the reasons why, and the way in which, the fact that a being has an epistemic-practical perspective yields reasons to include it in the scope of discursive respect. What matters now, however, is not so much what stand we should take on these further issues. Rather, what matters

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is coherent to say that persons can act as their trustees. But even if we grant these things, I doubt that this shows a way in which animals can be included in the scope of discursive respect. On the view I am suggesting here, the *trustee* of an animal, but not the animal represented by that trustee, could be included in that scope.

now is that whatever view of moral concern or discursive respect we endorse, once we make assumptions of the first three, or all five types mentioned above, we are committed to include the relevant beings in the scope of moral concern, or discursive respect, respectively.

For what comes later, two things should be highlighted. First, I have in effect characterised discursive respect as a matter of including a being in the scope of unanimity. Now, we have already seen that reasonable people can accord to unanimity a *constitutive* or a *consequential* role. To mark this contrast, let me call views of discursive respect 'constitutive' if they are predicated on constitutive views of unanimity, and 'consequential' if they are predicated on consequential views of unanimity.[230] As it stands, then, you can commit yourself to include others in the scope of discursive respect while supposing a consequential view of discursive respect: your commitment to discursive respect does not by itself require you to construe reasoned convergence in judgement as something that justifies things. O'Neill's notion of what it means to include others in the scope of justification hence reflects just *one*, i.e., a constitutive, constructivist view of discursive respect.

Second, unanimity, we have seen, can have at least three stages.[231] I have in effect characterised discursive respect as requiring at least *strong* unanimity (which, recall, obtains if our reasons for doing or believing things are unanimous). Yet it could also be taken to require *deep* unanimity (which obtains if the standards by which we take reasons for action to be good reasons are unanimous). Whether one accords to discursive respect a constitutive or consequential role, and what stage, or stages, of unanimity one takes discursive respect to require, then, is a matter of what particular view of discursive respect one adopts. (I shall come back to this in IV.13).

9. *On moral concern and discursive respect* (II)

The view that discursive respect can be extensionally distinct from moral concern, I shall argue, holds within two scopes:

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[230] On constitutive views of unanimity: see II.5, above.

[231] On distinct stages of unanimity: see II.5, above.

>(ED1) It can be locally coherent to include *possible beneficiaries of moral concern* in the scope of moral concern but not in the scope of discursive respect.

And, perhaps less obvious, but more important here:

>(ED2) It can be locally coherent to include *possible beneficiaries of discursive respect* in the scope of moral concern but not in the scope of discursive respect.

Take (ED1) first. While moral concern and discursive respect can, given suitable *conceptional* views on their respective scopes, range over the same beings, they can also come apart. E.g., canines and non-human primates are possible beneficiaries of moral concern, but, it seems, not of discursive respect. If we also – quite plausibly, I take it – suppose that it is reasonable to include them in the scope of moral concern, we commit ourselves to the view that the scope of moral concern can be wider than the scope of discursive respect. Hence, it can be locally coherent to include possible beneficiaries of moral concern in the scope of moral concern only.[232]

How about (ED2)? If (ED2) is false, the premises of the following argument would have to imply its conclusion:

>(i) We should protect or support X, or X's good;

>(ii) X has, or can have, a view on, e.g., the goodness or badness of reasons for action.

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[232] It is instructive to relate this to Scanlon's notion of a being's standing in 'moral relations with us' (see his "Contractualism and Utilitarianism", esp. 113f.). He claims that no being can stand 'in moral relations with us' that is not a possible beneficiary of discursive respect – or, in his idiom, that is not such that the notion of justifying something to it makes sense. In my view, this means that he in effect tailors the scope of moral concern to fit the scope of discursive respect. Now Scanlon fails to duly appreciate that the scope of moral concern can be wider since, as he does not distinguish between moral concern and discursive respect, he takes the fact that the notion of 'justifying something to others' applies to possible beneficiaries of discursive respect only as a reason to believe that we cannot have moral relations with beings that do not qualify as possible beneficiaries of discursive respect. Yet taking this fact to be such a reason simply reflects a (rather narrow) conception of moral concern that warrants – but, in Scanlon's case, lacks – the support of further, substantive argument.

Therefore,

(iii) We should act toward X on grounds X could accept.

Yet (iii) does not follow from (i) and (ii) alone. (i) and (ii) leave open how we are to respond to X's capacity for views on, e.g., the goodness or badness of reasons for action. In particular, (i) and (ii) leave open whether we should respond to the presence of this capacity in X by acting toward X on reasons X could accept. Thus, while the conjunction of (i) and (ii) certainly is consistent with (iii), it does not imply (iii).

This does not mean that it is necessarily unreasonable or, say, even unintelligible to reason from (i) and (ii) to (iii), or to offer (i) and (ii) as reasons for (iii). Nor does it follow that it can never be locally incoherent to accept (i) and (ii), but to reject (iii). However, if we step from (i) and (ii) to (iii), we seem to rely on or appeal to a further view that commits us to take the consideration that a beneficiary of moral concern can be included in the scope of discursive respect as a reason for including that being in that scope, and that hence link (i) and (ii) with (iii).[233] Accordingly, it is locally incoherent to accept (i) and (ii), but to reject (iii), only if such a view is supposed.

What could such a view be? Let me restrict my attention to three views. First, then, agents might adopt a conception of discursive respect like:

> (C4) Beneficiaries of moral concern that have, or can have, views on, e.g., the goodness or badness of reasons for action should be included in the scope of discursive respect. (Or, alternatively: if a being, or its good, matters morally, and if that being is able to have views on, e.g., the goodness or badness of reasons for action, we should act toward that being on grounds it could accept.)

Any such view would commit us to take the consideration that a beneficiary of moral concern is a possible beneficiary of discursive respect as a reason to not include that being in the scope of moral concern only. Second, the commitment to

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[233] To use Scanlon's terms, the consideration that a beneficiary of moral concern can be included in the scope of discursive respect *acquires* the property of 'counting in favour of', so *becomes* a reason in 'the standard normative sense' for, including that being in that scope only in conjunction with some such views. On the property of 'counting in favour of' as a feature of reasons in 'the standard normative sense': see Scanlon (1998), 19.

show moral concern does not by itself determine what it takes to appropriately protect or support other beings. It therefore can, and perhaps must, be crossed with a view about their good. Agents might hence predicate moral concern on conceptions of the good like:

> (C5) It is an important (or a central or necessary) element of the good of agents to be interacted with, or acted upon, on the basis of reasons they could accept.

Third, an agent's conception of moral concern might build upon that agent's conception of his *own* good:

> (C6) It is an important (or a central or necessary) element of my (or our) good that I (or we) interact with, or act upon, others on the basis of reasons these others could accept.

As in the case of conceptions of discursive respect like (C4), predicating moral concern on conceptions of the good like these latter two would commit us to take the consideration that a beneficiary of moral concern is a possible beneficiary of discursive respect as a reason not to include that being in the scope of moral concern only.[234]

But, trivially, that (i) and (ii) can be linked with (iii) does not mean that anyone who accepts (i) and (ii) cannot coherently reject (iii). Agents *may or may not* endorse conceptions of discursive respect like (C4), or predicate moral concern on conceptions of the good like (C5) or (C6). Hence, (i) and (ii) *may or may not* commit them to accept (iii). Within the scope of possible beneficiaries of discursive respect, therefore, moral concern does not, or not necessarily, imply discursive respect. Thus, (ED2) is true. It can be locally coherent to include

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[234] Here and below, I make the simplifying assumption that all agents are possible beneficiaries of discursive respect, and *vice versa*. Note also that (C5) and (C6) allow for a strong and a weak reading. On a strong reading, (C5) implies that it is *bad* for agents not to be acted toward on grounds they could accept, and (C6) that it is *bad* for agents not to act toward others on such grounds. On a weak reading, (C5) implies that it is *better* (or the best) for agents to be acted toward on such grounds, while (C6) implies that it is *better* (or the best) for them to act toward others on such grounds. On the weak reading, therefore, (C5) and (C6) are consistent with not acting toward others on grounds they could accept. Thus, what I say here employs a strong reading of (C5) and (C6).

possible beneficiaries of discursive respect in the scope of moral concern only.

To conclude with an illustration. Suppose a religious fundamentalist believes that infidels must be protected or supported; suppose, as well, that he conceives of their good by the lights of his religious doctrine; and suppose, finally, that he hence concludes that infidels should, where necessary, be forced to follow the True Path (e.g., to save them from eternal damnation). The problem here is not simply that the fundamentalist does not accord ethical standing to infidels, or that he overlooks that including them in the scope of moral concern asks him to respond to their capacity of having views on, e.g., the goodness or badness of reasons for action by treating them on grounds they could accept. Rather, the problem is that he does not, and in any case might not, endorse views like (C4), or predicate moral concern on views like (C5) or (C6). If he adopted such views, he would have reasons not to predicate actions affecting infidels on his conception of their good, or not to force them to follow his True Path – thus *ceasing* to be a fundamentalist. If he does not adopt such views, he might be paternalistic, dogmatic, and even dangerous, but he is not, at least not in the respect relevant now, locally incoherent.

10. *O'Neill's problem*

To return to O'Neill. Her case, I have suggested, must meet at least two conditions:

> (i) O'Neill shows that it *is* locally incoherent to include unreasable$_{PL}$ people in the scope of moral concern only.

> (ii) O'Neill reaches her conclusion without relying on assumptions political liberals from the outset reject.

To see why O'Neill fails to meet these two conditions simultaneously, let us first note why she has reasons to accept (ED2). First, of course, (ED2) is true. Second, she needs to suppose (ED2) to meet (ii). Evidently, political liberals suppose that it *can* be locally coherent to include unreasonable$_{PL}$ people in the scope of moral concern only. Hence, they are from the outset committed to reject (C2) – i.e., O'Neill's premise that agents should include in the scope of moral concern all others with whom or on whom they take themselves to interact or act – if (C2)

employs a conception of moral concern that implies that it *cannot* be locally coherent to include these people in that scope only. Whatever notion of moral concern (C2) employs, therefore, (C2) must be consistent with (ED2).

A problem emerges. If (ED2) is supposed, there does not seem to be anything left in O'Neill's premises that implies that it *is* locally incoherent to include unreasonable$_{PL}$ people in the scope of moral concern only. Suppose I agree that I should include in the scope of moral concern all vulnerable and connected sources of activity, that you are such a source, and that such sources, or at least you, can be included in the scope of discursive respect. This commits me to accept that you are a beneficiary of moral concern and a possible beneficiary of discursive respect. It does not commit me not to include you in the scope of moral concern only. It thus seems that (ED2) *blocks* O'Neill's step from her premises to her conclusion. Thus, how, if at all, can she take this step?

We should not conclude that O'Neill can take this step only if she rejects (ED2). Instead, let us conclude that since she is committed to (ED2), this step must draw on views of the type mentioned earlier: views, that is, that would ask us to take the consideration that a beneficiary of moral concern is a possible beneficiary of discursive respect as a reason not to include the being in the scope of discursive respect. The previous section suggests two possibilities. O'Neill might use the notion of moral concern in (C2) *conceptionally*: (C2) might employ, and hence tacitly suppose, a conception of moral concern that is predicated on a conception of the good like (C5) or (C6). Alternatively, O'Neill might argue against the background of, and so again tacitly suppose, a conception of discursive respect like (C4). Either way, something would explain what otherwise remains mysterious: namely, *why* the consideration that unreasonable$_{PL}$ people can be included in the scope of discursive respect counts in favour of not including them in the scope of moral concern only. Charity, then, suggests we read O'Neill accordingly. In any case, she has to invoke some such conceptional views if she wants to reach her conclusion without rejecting (ED2).

So far, so good. Observe now that invoking a conception of discursive respect like (C4) is not an option for O'Neill. First, it would make her case viciously circular. Her conclusion in effect intends to tell us what scope discursive respect has to have, or what conception of discursive respect we should adopt, *in the first place*. Hence, she may not rely on such a conception to establish

that conclusion. At the same time, second, it would mean begging the question against political liberals. Political liberals suppose that *some* beneficiaries of moral concern that can be included in the scope of discursive respect may *not* be included in the scope of the latter. Consequently, if, in order to reach her conclusion, O'Neill relies on a conception of discursive respect that implies that such a view is wrong, she begs the question against political liberals.

This suggests that O'Neill needs to invoke suitable views of moral concern. And she can avoid the problem of circularity just indicated if (C2) brings in a notion of moral concern that is predicated on a conception of the good like (C5) or (C6). But other problems crop up. Suppose I include you in the scope of moral concern, and accept that you can be included in the scope of discursive respect, and agree that it is good for you to be acted toward on grounds you could accept, or, alternatively, admit that it is good for me to act toward you on such grounds. This asks me to take the consideration that you can be included in the scope of discursive respect as a reason to include you in that scope. And yet, I might take this to be a *prima facie* reason that may be overridden if you are, or turn out to be, unreasonable$_{PL}$. And while such a view might reflect that I am unreasonable in *some* sense of the notion, I cannot find anything in here that would make me *locally incoherent*. Thus, even if O'Neill predicates moral concern on a conception of the good like (C5) or (C6), her conclusion does not follow.

Now this seems to bring to light another tacit component of O'Neill's case. She seems to suppose that the corresponding reasons *may not be overridden* (at least not in the case of (all) unreasonable$_{PL}$ people). In any case, she can reach her conclusion if she adds a premise to that effect. If that is right, there is a way in which she can meet the first of the above two conditions.

Unfortunately, there is nothing in O'Neill that shows *why* moral concern should be predicated on conceptions of the good like (C5) or (C6). Nor does she show *why* (or *when*) we may not override whatever reasons predicating moral concern on some such conception of the good would yield for not including other people in the scope of moral concern only. Yet to meet the second of the above two conditions, these things may not be taken for granted. For, evidently, in adopting a particularist conception of the scope of public justification, political liberals commit themselves not to predicate moral concern on such conceptions of

the good, or, at the very least, not to regard the corresponding reasons as overriding. Hence, O'Neill begs the question against political liberalism's particularism. Thus, she can meet the first of the above two conditions, but fails to meet the second.

11. *Conclusion: substantive threshold tests of reasonableness again*

My reconstruction of O'Neill's case about the scope of practical reasoning is now complete. To reach her conclusion, I have argued, O'Neill must suppose more normative content than her case purports to assume. And, even though political liberals are committed to reject some of this content, that normative content remains unvindicated. Hence, O'Neill's *own* case – a case that, after all, seeks to support the view that first-order practical reasoning must be followable by all others for whom it claims authority – relies on grounds that are *not* so followable.[235] But if that is so, what authority, if any, could O'Neill's universalist constructivism claim to have? How could its opposition to political liberalism's particularism be more than a reflection of a mere partisan bias for a (weakly) universal scope of practical reasoning? This is the issue I shall now address.

To begin tackling it, let me take a closer look at O'Neill's notion of reasonableness. Recall, then, what we have seen so far. Here is the claim O'Neill ultimately tries to establish:

> (A) Agents "cannot reasonably exclude from the domain of reason or of ethical consideration others with whom or on whom they take themselves to interact or act."

I have in effect read (A) as the claim that it is locally incoherent for agents not to include in the scope of practical reasoning – i.e., the scope of justification, or followability, or what I have dubbed here discursive respect – all others with whom or on whom they take themselves to interact or act. Now O'Neill's account of the presuppositions of other-regarding activity cannot by itself carry the weight of (A). To provide a case for (A), we have in effect seen, O'Neill needs to add three claims:

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[235] See O'Neill (1996), 51.

(i) Agents should include in the scope of moral concern all others who they take to be sources of activity which are connected and vulnerable to them.

(ii) Agents should take the consideration that a beneficiary of moral concern can be included in the scope of discursive respect as a reason to include that being in the scope of discursive respect.

Since invoking a conception of discursive respect, and *a fortiori* any view like (C4), is not an option for O'Neill, (ii), I have suggested, asks her to predicate moral concern on a suitable conception of the good; in particular, (ii) asks her to rely on, or to invoke, a conception of the good like (C5) or (C6). Not least, O'Neill has reasons to assume:

(iii) Agents should treat the reasons referred to in (ii) as overriding.

Call (i) – (iii) the 'substantial claims' to which O'Neill is evidently committed. In what follows, I shall grant that a conjunction of her account of the presuppositions of other-regarding activity and these substantial claims yields (A); that political liberals must accept her account of these presuppositions; and that they can, and do, concede (i). Yet I shall also suppose, first, that it can be locally coherent to reject her substantial claims, and second, that political liberals are committed to reject (ii), so not to predicate moral concern on a conception of the good like (C5) or (C6), or at least to reject (iii).

All this triggers two questions. First, what *does* O'Neill show? That is, for whom, or what kind of agents, would it *be* locally incoherent not to include in the scope of practical reasoning all others whom they take to be recipients of their activity? Second, it is unsurprising that the presuppositions of other-regarding activity cannot carry the full weight of (A). After all, how agents conceive of those whom they take to be on the receiving end of *any* activity they engage in, including deliberate attempts to demean, harm and destroy, is one thing. How they *should* relate to them and what kind of other-regarding activity they *may* carry out is quite another. Why, then, does O'Neill argue for (A) exclusively in terms of these presuppositions? Why does she never vindicate, nor even openly state, her substantial claims?

An answer to the first question suggests itself. All O'Neill shows, if anything, is that it is locally incoherent for *agents who adopt her substantial*

claims not to include all others in the scope of practical reasoning with whom or on whom they take themselves to interact or act. Accordingly, (A) would in effect boil down to a hypothetical claim like:

> (A*) *If agents adopt O'Neill's substantial claims*, they are locally incoherent, and in this sense unreasonable, if they do not include all others in the scope of practical reasoning with whom or on whom they take themselves to interact or act.

Evidently, (A*) is consistent with the view that it can be locally coherent not to accept O'Neill's substantial claims, and, correspondingly, not to include all others in the scope of practical reasoning with whom or on whom one takes oneself to interact or act.

This looks quite plausible. Note, however, that it is at odds with what appears to be O'Neill's intention. She does *not* take the unreasonableness of not including the relevant others in the scope of practical reasoning to be merely hypothetical, so to depend on the endorsement of something agents may as well reject *without* impugning their reasonableness. Instead, the upshot of what she tries to convey with (A) seems to be that not including the relevant others in that scope is categorically unreasonable, or *necessarily* impugns our reasonableness. Now it is, if anything is, categorically unreasonable to be locally incoherent.[236] But this does not make it categorically unreasonable not to include the relevant others in the scope of practical reasoning. Taking reasonableness to be a mere matter of local coherence, then, cannot suffice for O'Neill's purposes.

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[236] Even this might need caution. The question "Why should I (always) be locally coherent?" looks like an open question. Antony Flew has in effect argued that the value of local coherence is based on the value of *truth*. See his *Thinking about Thinking*, London 1975, chapter 1. This might help to explain why that question is open. The issue always is whether, and to what extent, we could reasonably dispute the value of truth. Perhaps we could not in all cases dismiss or override that value. But it requires substantive arguments to establish that it would *never* be reasonable to do so. Things get tricky if we suppose that "*S*" is true if and only if *S*, and that *S* holds only if *S* is suitably justifiable, but understand the latter in constructivist terms, i.e., in terms of *S*'s acceptability by, or justifiability to, reasonable people. In this case, we could not explain the reasonableness of avoiding local incoherence in terms of the relation between the latter and truth, but would have to explain it in terms of the relation between local coherence and *reasonableness*. And it seems to require a good deal of argument to show why the looming circle is only apparent or else not vicious.

Consequently, O'Neill's view that it is categorically unreasonable not to include the relevant others in the scope of practical reasoning must employ a more substantial notion of reasonableness – i.e., a notion that adds enough content to the demand of local coherence to render this very view coherent. A candidate for this further content suggests itself: O'Neill might from the outset class agents as reasonable only if (i) they are locally coherent *and* (ii) accept her substantial claims. Trivially, a sense emerges in which it would be categorically unreasonable to exclude the relevant others from the scope of practical reasoning. If we suppose O'Neill's account of the presuppositions of other-regarding activity, not including these others accordingly would mean either being locally incoherent or else rejecting her substantial claims. Either way, one could not be reasonable in the sense of (i) and (ii) (the sense of, say, reasonableness$_O$). Thus, I submit, there is reason to believe that O'Neill supposes the more substantial conception of reasonableness$_O$.

This result is supported by, and suggests, an answer to the question of why O'Neill argues for (A) exclusively in terms of the presuppositions of other-regarding activity. Of course, she might simply have failed to see that these presuppositions cannot carry the weight of (A), or that taking reasonableness to be a mere matter of local coherence is insufficient for her purposes. A more charitable answer might be the following. Suppose O'Neill tacitly imposes a *restriction on the audience* her case addresses, and so tries to convince. Suppose, that is, that her case addresses, and tries to convince, *reasonable$_O$ agents only*. Thus, she would not need to show why such agents should adopt her substantial claims. Instead, she would have to show whom such agents should acknowledge as vulnerable and connected sources of activity. And this, if anything, is what O'Neill's account of the presuppositions of other-regarding activity shows. Accordingly, that she never vindicates, nor even openly states, her substantial claims would not reflect that she fails to see that these presuppositions do not suitably support (A), or that taking reasonableness to be a mere matter of local coherence is insufficient for her purposes. Instead, it would reflect that her substantial claims are beyond the range of things she needs to defend, given her restricted audience. Hence, I submit, there is reason to believe that O'Neill employs threshold tests of reasonableness$_O$.

Thus, O'Neill and political liberals seem to be in the same boat. The

above provides no support for O'Neill unless there are good reasons to accept her substantial claims. But she does not provide such reasons: her case leaves us at liberty to be unreasonable$_O$. And yet, she evidently believes that *every* agent should include the relevant others in the scope of practical reasoning, or, for that matter, be reasonable$_O$. Like political liberals, then, she employs substantial and controversial threshold tests of reasonableness; and, while her conclusion claims authority also for unreasonable$_O$ people, she does not show why one should be reasonable$_O$. True, the levels at which the respective threshold tests of reasonableness do their work differ. Political liberals employ them at the level of reasoning about principles of political justice, or first-order practical reasoning. O'Neill employs them at the higher-order level of reasoning about the scope of first-order practical reasoning. And the respective views of reasonableness differ in content: reasonableness$_{PL}$ is thicker in content than reasonableness$_O$. Either way, though, a substantial and controversial view of reasonableness is privileged while no good reasons for doing so are given; and the resulting stretches of practical reasoning claim authority beyond their scope of followability. If this is a problem in political liberalism's case, then, at least prior to further argument, it is a similar problem in O'Neill's case.

C. Toward perfectionism

12. *Why a perfectionist case is needed*

O'Neill's universalist constructivism is left in an awkward position. It requires practical reasoning to be followable by all others for whom it claims authority – and it takes these others to be at least all those with whom or on whom agents take themselves to interact or act (e.g., in advancing, acting on, or enforcing stretches of practical reasoning). Yet its case for a (weakly) universal scope of practical reasoning is not itself followable within a (weakly) universal scope. Thus, it might require *first-order* practical reasoning, including reasoning about principles of political justice, to be followable by all those for whom it claims authority. Yet, as far as it goes, it cannot coherently require *higher-order* practical reasoning, including reasoning about the scope of first-order practical reasoning, to be so followable. As it stands, then, O'Neill's constructivism does not seem to be universalist all the way down. Judged by how it proceeds, it is a combination of first-order (weak) universalist constructivism and a form of *higher-order particularist constructivism*.

It seems, then, that O'Neill's universalist constructivism faces two unsatisfactory options. Either it declares *self-defeat*. It might concede that since its case for a (weakly) universal scope of first-order practical reasoning is not followable by all those for whom it claims authority, its view on that scope is arbitrary or dogmatic. Or it opts for *self-restraint*. It might replace (A) with the more moderate conclusion that *reasonable$_O$ people* must include in the scope of first-order practical reasoning all others who they take to be the recipients of their activity. Either way, O'Neill would ask us to accept that agents are not unreasonable if they reject the idea that first-order practical reasoning should be (weakly) universal in scope – as long as they also reject (some of) O'Neill's substantial claims. But if this is what O'Neill's universalist constructivism ends up asking us to accept, then, I submit, we should reject it.

There might be a way out of this problem. Consider why O'Neill's universalist constructivism ends up in this awkward position. The problem is not that O'Neill reasons from, but not for, a controversial and substantial view of reasonableness. Nor is the problem that her case for a (weakly) universal scope of

first-order practical reasoning is not itself followable within a (weakly) universal scope. Rather, the problem stems from two things that reflect her view of the structure of practical reasoning, namely, the view (i) that stretches of practical reasoning that are not followable by the relevant others are merely arbitrary or dogmatic and (ii) the justification-constitutive role she thereby assigns to the requirement of followability.

Take (i) first. We have in effect seen earlier that this view is too strong. Practical reasoning is not *either* followable *or* arbitrary or dogmatic. Our attempts to reason followably, I have suggested, rely on assumptions about some perspective that, we take it, the relevant others should adopt and from which, we believe, our reasoning must be acceptable[237]. The assumptions we rely on might be, and sometimes are, rejected by other people. Nevertheless, the stretches of reasoning they guide might not be arbitrary or dogmatic. For a rejection of these assumptions does not necessarily put them in need of justification – they might be rejected, but not *authoritatively* so. Apply this to the case at hand. That O'Neill reasons from, but not for, her view of reasonableness$_O$ reflects a structural feature of any attempt to reason followably: she needs to rely on some view of reasonableness if she is to reason followably. Not least, while her substantial claims are controversial, her case might not be arbitrary or dogmatic.

Now O'Neill's case is not arbitrary or dogmatic *if* the fact that political liberals reject, or are committed to reject, her substantial claims does *not* put them in need of justification. Yet, let us suppose, it *does* put them in this need.[238] This leads us to (ii). O'Neill takes followability to be at least necessary for practical justification (in fact, she takes followability to be necessary and sufficient for practical justification). Thus, what she could offer to answer this need would involve showing, or would require, that her substantial claims are followable by political liberals. But these claims are *not* followable by them – at least not in O'Neill's sense. Hence, O'Neill's universalist constructivism is deadlocked. And that is why, I submit, it faces the choice between self-defeat and self-restraint. If

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[237] For this and the following: see III.2ff., above.

[238] This seems to be so at least on the view of what it takes for practical views or stretches of practical reasoning to be in need of justification that I have attributed to O'Neill: see III.5. For, on this view, she commits herself to construe political liberalism's disagreement with her as reasonable disagreement.

that is right, O'Neill's problem boils down to this: while her substantial claims are in need of justification, her constructivist view of practical reasoning makes her unable, given the particular opponent she faces, to answer this need.

To overcome this problem it will not do to simply relax the conditions of followability in such a way that O'Neill's substantial claims could be claimed to be followable by political liberals *despite* the fact that they are from the outset committed to reject them. For this, it seems, would trivialise, and hence would undermine *any* justificatory role of, the requirement of followability. The only alternative seems to be to *go beyond*, or to *restrict in its scope of application*, the view that followability is at least necessary for practical justification. That is, O'Neill needs to concede that some practical views have all the authority they need even if they are *not* followable by some relevant others, and must argue that her substantial claims are views of that type. The latter task would minimally ask for an account of why political liberals are *wrong* in rejecting, or in not being able to follow, her substantial claims.

This suggests that O'Neill needs to invoke a *perfectionist* defence of her substantial claims – a defence, that is, that is perfectionist at least in the following, thin sense:

> (i) It advances or involves a view of the good of agents. (Thus, the type of defence O'Neill needs here has the characteristic, overall subject matter of other forms of perfectionism.)

> (ii) It supposes that some views of the good of agents acquire all the epistemic-practical authority they need not through being followable by all relevant others, but in some other way. It hence assumes that some such views are right (or correct, or true) even if they can be rejected coherently. (Thus, typically for perfectionism, the defence needed here does not assume that the authority of the relevant views is best explained in constructivist terms).

In calling the case O'Neill needs here perfectionist in this thin sense, I do not mean to deny that she might ultimately have to invoke a more robust form of perfectionism.[239] Yet pursuing this possibility goes beyond my present aims.

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[239] Views are often labelled 'perfectionist' if they claim, e.g., that there is such a thing as human nature and that human nature in some non-trivial way constrains, grounds, or determines

What matters now is that O'Neill, if she is to avoid higher-order particularism, needs to bring in a perfectionist case for her substantial claims, and that this case is perfectionist *at least* in the thin sense just specified.

Such a case should achieve at least two tasks. First, it should advance a view of the good of agents that suitably supports O'Neill's substantial claims. Second, to reassure us that this view of the good reflects more than a partisan bias for a (weakly) universal scope of first-order practical reasoning, this case should also explain why, or on what grounds, this view of the good may be claimed to be right (or correct or true). In what follows, I shall add observations that are especially relevant for the first task. That I emphasise this task is not meant to suggest that the second task is any less important than the first. Instead, it is simply because I do not know of an argument that credibly answers to the second task. Rather than providing a perfectionist case for O'Neill's substantial claims, therefore, I shall explore and further specify what a case of the sort needed here, or aspects of such a case, might be like. Thus, let me now sketch a view of the good that such a case might advance, elaborate on it, and outline some problems O'Neill would have to address.

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standards of happiness, well-being, goodness, or justice (call this *essentialist* perfectionism); that the state may promote conceptions of the good, or favour some such conceptions over others (call this *political* perfectionism); that some personalities, characters, or forms of life are 'intrinsically' good or better than others, and would remain 'intrinsically' good or better than others even if no-one agreed that this is so (call this *axiological* perfectionism); or that some claims about the good of people correspond to the way things really are, and hence are true (call this *alethic* perfectionism). For instance, Thomas Hurka adopts at least essentialist and axiological perfectionism, Vinit Haksar adopts axiological and political perfectionism, and Joseph Raz seems to affirm axiological, political and, perhaps, alethic perfectionism. See Hurka, *Perfectionism*, Oxford 1993; Haksar, *Equality, Liberty, and Perfectionism*, Oxford 1979; Raz, *The Morality of Freedom*, Oxford 1988, and Raz, "Facing Diversity: The Case of Epistemic Abstinence", *Philosophy and Public Affairs* 19 (1990). These forms of perfectionism are *robust* because they combine the above listed features (i) and (ii) with further, substantive views. As these further views can be controversial while (i) and (ii) are not, a thin perfectionism in the sense of (i) and (ii) does not imply, but also does not rule out, any particular version of robust perfectionism. It is worth emphasising, however, that a thin perfectionism in the sense of (i) and (ii) still is a *strong* form of perfectionism: it implies that views of the good can be right (or correct or true). Perhaps there can be intelligible forms of, say, *weak* perfectionism that somehow avoid this implication. Yet I may ignore this possibility: as the perfectionist case needed here should provide an alternative to (higher-order) particularism, what matters now is strong perfectionism.

13. *Aspects of a perfectionist case* (I)

I have attributed to O'Neill three substantial claims:

> (i) Agents should include in the scope of moral concern all others whom they take to be sources of activity which are connected and vulnerable to them.

> (ii) Agents should take the consideration that a beneficiary of moral concern can be included in the scope of discursive respect as a reason to include that being in the scope of discursive respect.

> (iii) Agents should treat the reasons referred to in (ii) as overriding.

Each of these claims might need perfectionist support. Given our present purposes, however, let us focus on (ii). For, we have seen, political liberals can follow (i). And it will later emerge that there might be a way to bypass separate perfectionist arguments for (iii).

To begin with, then, we have already come across two views that would allow O'Neill to bridge the gap between moral concern and discursive respect:

> (C5) It is an important (or a central or necessary) element of the good of agents to be interacted with, or acted upon, on the basis of reasons they could accept.

> (C6) It is an important (or a central or necessary) element of my (or our) good that I (or we) interact with, or act upon, others on the basis of reasons they could accept.

Recall why such views matter here. The consideration that a beneficiary of moral concern is capable of inclusion in the scope of discursive respect, I have argued, is a reason for including that being in that scope only against the background of further views that *turn* this consideration into such a reason. Views like (C5) and (C6) would play this role. Thus, if it can be shown that we should endorse some such view, we would have come some way toward the conclusion that unreasonable$_{PL}$ people should be included in the scope of discursive respect.

Why, then, should we endorse some such view? An answer that suggests itself is that it *is* an important good that agents, and *a fortiori* beneficiaries of

moral concern that are possible beneficiaries of discursive respect, be interacted with, or acted upon, on the basis of reasons they could accept. For whatever may be the True Theory of the grounds of the importance of the capacity for inclusion in the scope of discursive respect and of the standing as a beneficiary of discursive respect, there is something about this capacity and this standing that makes it an important good that agents be interacted with, or acted upon, on the basis of reasons they could accept. And as this *is* an important good, it is unreasonable to reject the view that it is such a good – whether or not, that is to say, that view of the good can be rejected coherently. Derivatively, conceptions of the good are unreasonable if they do not take this good to be an important good. Thus, it should be, and, if we are reasonable, is, an important part of our conception of the good that agents be interacted with, or acted upon, on the basis of reasons they could accept. Hence, it should be, and, if we are reasonable, is, an important part of our conception of the good not only that *we* be interacted with, or acted upon, on the basis of reasons *we* could accept, but also that we interact with, or act upon, *others* on the basis of reasons *they* could accept.

This is not the only possible answer. Yet it seems to be a good one. The view that it is an important good that agents be interacted with, or acted upon, on the basis of reasons they could accept seems highly plausible in its own right. And it can be seen to be highly plausible from the standpoint of various, even conflicting views of the grounds of that good, including, as it were, more robust forms of perfectionism. Next, this answer seems to give O'Neill what she needs, or part of what she needs. It imposes a restriction on the reasonableness of people and their conceptions of the good, and assumes that there is a reason to include others in the scope of discursive respect whether or not people can coherently refuse to include others accordingly. By implication, this good and this reason do not depend on, or vary with, the reasonableness$_{PL}$ of others. And if that view of the good can be shown to be right (or correct or true), it would be unreasonable to reject O'Neill's second substantial claim. A perfectionist case for that claim hence has reasons to defend this view of the good, and the line of thought that it grounds.

I have already indicated that I shall not attempt to make a perfectionist case for this view of the good here. Instead, I shall now (counterfactually, perhaps) suppose that the view of the good in question is, and can be shown to be,

right (or correct or true) on perfectionist grounds, and use the remainder of this section to elaborate on it. Some remarks are in place about cases where others cannot coherently accept this view of the good.

The view of the good in question, I take it, requires you to interact with me on the basis of reasons that I could accept; and, of course, it can itself be one of the considerations that govern your interactions with me. But suppose that I endorse, say, a religious doctrine that commits me to deny that this good is an important good, or to construe it as a good only where others follow what, on my doctrine, is the True Path. This seems to bring in a problem. For you now seem to be required *not* to interact with me on the basis of the consideration that the good in question is an important good. And it is hard to see how you could sincerely and consistently do that if you believe, as by hypothesis you should believe, that this good is an important good. In such cases, it thus seems, the view of the good in question is self-defeating.

Now if there is a problem of self-defeat here, it does not seem to stem from the view of the good in question. To begin with, recall that discursive respect can be taken to require different *stages* of unanimity.[240] One way in which that view of the good can guide your interactions with me is this: it might play the role of a higher-order reason to interact with me on the basis of reasons for action that I could accept. And if such reasons for action are available, the fact that I cannot coherently accept the reason why you seek to interact with me on the basis of such reasons does not seem to render anything self-defeating. Self-defeat does not seem to loom, therefore, if you suppose a view of discursive respect that merely requires *strong* unanimity. Self-defeat might loom, if at all, if your view of discursive respect requires *deep* unanimity – i.e., if it commits you to seek unanimity at the level of standards according to which reasons to do or believe certain things are good reasons. For if the view of the good in question forms part of your standards of good reasons, the fact that I cannot coherently accept that view might render you unable to do what your view of discursive respect requires you to do. Yet what is self-defeating here, if anything, is not the view of the good in question, but, rather, your view that, even in cases where others cannot coherently accept that view, discursive respect requires deep unanimity.

In fact, not even this follows. This is so for two interlocking reasons. First,

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[240] For this and the following paragraphs: see IV.8 and II.5, above.

everything that can be known to be right (or correct or true) is such that it could be accepted. That is, even if my religious doctrine commits me to reject the view of the good in question, there remains a sense in which I could coherently accept it: namely, I would not be committed to reject it if I suitably revised or abandoned my religious doctrine. Second, we have already seen that the commitment to include others in the scope of discursive respect leaves open what *role* we should accord to unanimity. What I have just said might run up against constitutive views of discursive respect – i.e., views of discursive respect that accord to unanimity a justificatory role. For, on such views, the fact that I cannot coherently accept the view of the good in question might be taken to show that this view is not right (or correct or true). By contrast, as consequential views of discursive respect do not accord to unanimity a justificatory role, all that they might require you to do is to interact with me on grounds that, you take it, are right (or correct or true) and that I hence could coherently accept even if I am in fact committed to reject them.

If there is a problem of self-defeat in cases where others cannot coherently accept the view of the good in question, then, this problem neither stems from that view of the good, nor from the view that discursive respect requires deep unanimity, but from the view that, even in such cases, a constitutive view of discursive respect should be applied.[241] Thus, while this view of the good can be crossed with different views of discursive respect, it also imposes restrictions on our views of discursive respect. In particular, if we suppose that discursive respect requires deep unanimity, we cannot in all cases adhere to a constitutive view of discursive respect.[242] Put in slightly different terms, then, even if we construe the

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[241] Something similar holds in cases where the view of the good in question *itself* becomes a reason for action – e.g., cases where you consider whether or not to include token others in the scope of discursive respect. If you include me in the scope of discursive respect for the reason that it is an important good to interact with or act upon people (e.g., me) on the basis of reasons that these people could accept, my religious doctrine requires me to reject your reason to include me in this scope. Yet, we have seen, there remains a sense in which it can nevertheless be claimed that I could accept that reason. If a problem of self-defeat looms, then, it would again stem from the view that, even in such cases, a constitutive view of discursive respect should be applied.

[242] This accords well with what we saw in O'Neill's case. She takes followability to be at least necessary for practical justification, and requires first-order and higher-order practical reasoning to be followable by the relevant others. Thus, she adopts a constitutive view of

practice of discursive respect (largely) in constructivist terms, the good of that practice, and of participation in it, cannot, or cannot entirely, be understood in constructivist terms. In fact, I have suggested, it should be understood in perfectionist terms.[243]

14. *Aspects of a perfectionist case* (II)

Let me continue to suppose three things: first, it is an important good that agents be interacted with, or acted upon, on the basis of reasons they could accept; second, this view of the good yields a condition of the reasonableness of people and of conceptions of the good, and a reason to include agents in the scope of discursive respect – even if some relevant others can coherently refuse to include them accordingly; third, this good, and the reason just referred to, does not depend on, or vary with, the reasonableness$_{PL}$ of others.

If this is supposed, we should accept O'Neill's second substantial claim.[244] Yet would it follow that it is unreasonable in the corresponding,

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discursive respect, and, it seems, supposes that discursive respect requires deep unanimity. Yet her view that first-order practical reasoning should be (weakly) universal in scope cannot derive its authority from being followable by all relevant others – for it is not, or not in her sense, followable by all relevant others. Thus, if that view has authority, it must derive that authority from some other source.

[243] The picture I am suggesting here might be fleshed out in various ways. E.g., consider the view of the good life Aristotle advances in *The Politics*. On one reading, *The Politics* insists that (i) the good life for human beings requires the realisation of their nature as 'political animals', and adds (ii) that a life which realises that nature is a life dedicated to the development and exercise of the capacity for using speech in the sharing of a "perception of good and evil, just and unjust, etc." (Aristotle, *The Politics*. Translated by T. A. Sinclair, Revised by Trevor J. Saunders, London 1992, 60 (1253a7f.)). What I am saying here takes (ii) to refer to participation in the practice of discursive respect – but it construes the structure of that practice (largely) in O'Neill's 'Kantian', constructivist terms (Aristotle grants 'collective judgement' some 'wisdom' (*ibid*., 202ff. (1281a39-1282a41)), yet he appears to reject a constitutive view of discursive respect). And it sees (i) as referring to one attempt to substantiate the view that participation in that practice is a good, i.e., an attempt that invokes a form of robust (i.e., essentialist) perfectionism.

[244] I.e., the claim that agents should take the consideration that a beneficiary of moral concern can be included in the scope of discursive respect as a reason to include that being in that scope.

perfectionist sense (say, the sense of reasonableness$_P$) exclude the unreasonable$_{PL}$ from the scope of public justification?[245] What we have seen above suggests an argument along the following lines:

(i) It is an important good that agents, and *a fortiori* beneficiaries of moral concern that are possible beneficiaries of discursive respect, be interacted with, or acted upon, on the basis of reasons they could accept.

(ii) Thus, there is a reason to include all agents in the scope of first-order practical reasoning, including reasoning about political principles.

(iii) Hence, there is a reason for political liberals to include the unreasonable$_{PL}$ in the scope of public justification and *a fortiori* so, since political liberals regard the latter as beneficiaries of moral concern. By implication, there is a reason for political liberals to publicly justify why one should be reasonable$_{PL}$ in the first place.

While (iii) comes close to the conclusion that we have been after all along, two considerations suggest that this argument might not show enough. First, that there is a reason to include the unreasonable$_{PL}$ in the scope of public justification does not mean that this reason may not be overridden. Even if political liberals accept this argument, then, they might not have to include the unreasonable$_{PL}$ in the scope of public justification. Second, (i) and (ii) seem to be consistent with adhering to a constitutive view of discursive respect in interactions with the reasonable$_{PL}$, but to a *consequential* view of discursive respect in interactions with the unreasonable$_{PL}$. As (iii) effectively supposes that a constitutive view of discursive respect be applied to the unreasonable$_{PL}$ as well, political liberals could accept (i) and (ii), but reject (iii). All that the above argument seems to show, therefore, is that *if* the reasons referred to in (ii) and (iii) are overriding *and* a constitutive view of discursive respect is assumed throughout, then it is unreasonable$_P$ to restrict the scope of public justification to the reasonable$_{PL}$.

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[245] Note here that while reasonableness$_O$ implies views the reasonable$_P$ would accept, it *may or may not* be the case that reasonable$_P$ people are at the same time reasonable$_O$: nothing in the above implies that it is unreasonable$_P$ to reject O'Neill's first substantial claim.

To begin with the first consideration. At first sight, blocking this escape-route for political liberals asks for a defence of O'Neill's third substantial claim.[246] Yet perhaps such a defence may be bypassed. By hypothesis, the good in question and the reason it yields for inclusion of agents in the scope of discursive respect does not depend on, or vary with, the reasonableness$_{PL}$ of others. Now, *de dicto*, this might not be inconsistent with overriding this reason where others are unreasonable$_{PL}$. *De re*, however, or as a matter of what the resulting practice in fact would amount to, doing so would mean letting this reason, or the role it plays in our practical reasoning, vary with the reasonableness$_{PL}$ of other people. If that is right, political liberals cannot reasonably$_P$ take refuge in the first consideration. The view of the good in question seems to explain not only why there is a reason to include the unreasonable$_{PL}$ in the scope of discursive respect in the first place, but also why this reason may not be overridden.

Turning now to the second consideration, let me note first that I have, so far, taken the fact that political liberals do not include unreasonable$_{PL}$ people in the scope of public justification as a reason to assume that they do not include the unreasonable$_{PL}$ in the scope of discursive respect. We can now see that this needs refinement. That they do not include the unreasonable$_{PL}$ in the scope of public justification means that they do not include them in the scope of constitutive discursive respect. But they might, and, perhaps, do, include them in the scope of *consequential* discursive respect – thus committing themselves to, say, interact with, or act upon, the unreasonable$_{PL}$ on grounds that, from the perspective of political liberals (or the reasonable$_{PL}$), are right (or correct or true). And, prior to further argument, there is nothing straightforwardly unreasonable$_P$ about that. For, as the previous section suggested, the view that it is an important good that agents be interacted with, or acted upon, on the basis of reasons that they could accept can be crossed with a constitutive or a consequential view of discursive

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[246] I.e., the claim that agents should treat the consideration that a beneficiary of moral concern can be included in the scope of discursive respect as an *overriding* reason to include that being in that scope.

respect.[247]

However, the reason why the first escape-route just considered is blocked
seems to apply here as well. Again, by hypothesis, the good in question and the
reason it yields for inclusion of others in the scope of discursive respect does not
depend on, or vary with, their reasonableness$_{PL}$. *De dicto*, this might not be
inconsistent with applying a constitutive view of discursive respect to the
reasonable$_{PL}$, but a consequential view of discursive respect to the
unreasonable$_{PL}$. Yet, again, *de re*, doing so would mean letting the reason just
referred to, or what it is taken to be a reason *for*, depend on, or vary with, the
reasonableness$_{PL}$ of others. Thus, political liberals cannot reasonably$_P$ take refuge
in the second consideration either. The view of the good in question explains why
unreasonable$_{PL}$ people should be included in the scope of constitutive discursive
respect, too. Consequently, political liberals would have to include
unreasonable$_{PL}$ people in that scope. By implication, they would have to publicly

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[247] Consider three remarks by Larmore: "If we try to bring about conformity to a
political principle simply by threat, (...) [w]e will not also be treating [people] as ends, engaging
directly their distinctive capacity as persons [i.e., the capacity for thinking and acting on the basis
of reasons]." (Larmore (1996), 137) "We (...) treat others as having the same right as *free and
equal citizens* only if we assume that the coercive principles we propose as binding on all would
also be the object of reasonable agreement." (*Ibid.*, 13) "With those who reject the norm of equal
respect, or rank their view of the good life above it, we will usually be unable to converge on any
political (coercive) principle that are as justifiable to them as to ourselves. (...) [Still, these
principles] should be justifiable to these people as well, though with the justification premised on
the (counterfactual) supposition that they do prize most highly the norms of rational dialogue and
equal respect." (*Ibid.*, 142) The first two remarks could be taken to suggest that political liberals
accept the view of the good in question as something that reflects the value of the capacity for
'thinking and acting on the basis of reasons'. Thus, they might claim that this good is a good only
where others are reasonable$_{PL}$, or that it is a good even in the case of the unreasonable$_{PL}$, but that
it should be overridden in their case. As I have just suggested, these two options are
unreasonable$_P$. Third, then, political liberals might claim that where the unreasonable$_{PL}$ are
concerned, a consequential view of discursive respect may be applied. Not least, given his
(normatively) contextualist view of justified belief, Larmore might insist that applying such a
view of discursive respect to the unreasonable$_{PL}$ does not require justifying reasons for the view
that one should be reasonable$_{PL}$ in the first place. Cp. Macedo's claim that the unreasonable$_{PL}$
should be "re-engaged", and Rawls's view that they should be addressed by arguments from
"conjecture": see I.2f., I.12ff., above.

justify why one should be reasonable$_{PL}$ in the first place. And this is what we have been after all along.

15. *Some implications*

One more issue warrants our attention. The arguments that O'Neill needs to avoid higher-order particularism, I suggested, require her to *limit* her constructivist view of practical justification – at least at the level of higher-order practical reasoning. O'Neill must concede that her view of the scope of first-order practical reasoning does not need to be followable by the unreasonable$_P$, and has reasons to defend the view of the good in question on perfectionist grounds. As we shall now see, however, she needs further arguments here that threaten to *undermine* her constructivist view of practical justification – indeed, at the level of higher-order *and* first-order practical reasoning.

Note first that the above would commit O'Neill to the idea that we may sometimes adhere to a consequential view of discursive respect. In particular, it would commit her to the idea that we may adhere to such a view of discursive respect where others cannot coherently accept the view of the good in question. Thus, O'Neill would let this good, or the reason it yields for the inclusion of others in the scope of constitutive discursive respect, depend on, or vary with, the *reasonableness$_P$* of others. And would not a reason parallel to the one that closes the second of the two escape-routes just considered apply here as well?

Suppose that the view of the good in question does *not* allow us to discriminate between the discursive standing of reasonable$_P$ and unreasonable$_P$ people. This would face O'Neill with a choice between universalism and constructivism. For the scope of discursive respect in which reasonable$_P$ and unreasonable$_P$ people would have to be included is either constitutive or consequential. On the first option, O'Neill would have to concede that, since the view of the good in question is not suitably followable by some relevant others, it may not claim authority. Thus, she would have to reject her *universalism* – either at the level of both higher-order and first-order practical reasoning, or at least at the level of the former. The second option would in effect require us to abandon constitutive views of discursive respect. This would commit O'Neill to the conclusion that practical reasoning may not be construed in *constructivist* terms.

Now, by hypothesis, it *is* an important good that agents be interacted with, or acted upon, on the basis of reasons that they could accept. Rather than rejecting universalism, then, O'Neill would have to reject constructivism.[248]

Thus, O'Neill is committed to the idea that we may discriminate between the discursive standing of the reasonable$_P$ and the unreasonable$_P$. But it is not clear why we may do so (in any case, O'Neill does not explain why we may do so). What comes to mind, however, is something along the following lines. Suppose (i) that it can be shown on perfectionist grounds that it *is* an important good that agents be interacted with, or acted upon, on the basis of reasons that they could accept. Suppose further (ii) that it is unreasonable to reject what is, and can be shown to be, right (or correct or true) – on constructivist *or* other, e.g., perfectionist, grounds. In conjunction, (i) and (ii) would imply that it is unreasonable to reject the view of the good in question (i.e., it would follow that it *is* unreasonable to be unreasonable$_P$). However, if it truly *is* unreasonable to be unreasonable$_P$, then it seems unobjectionable to restrict the scope of constitutive discursive respect, and so of constructivist practical reasoning, to the reasonable$_P$. Whether an argument of that type can be made is an open question. Yet, I submit, some such argument would be needed to avoid the above dilemma.

Observe what it would mean for O'Neill to employ such an argument. True, she could avoid the above dilemma. But it would more generally commit her to the view that the scope of constructivist practical reasoning may be restricted to people who do not reject what is, and can be shown to be, right (or correct or true) – on constructivist *or* other, e.g., perfectionist, grounds. And this would make it quite arbitrary to insist that constructivist practical reasoning may be restricted to the reasonable$_P$ at the level of higher-order practical reasoning, but not also at the level of first-order practical reasoning. After all, the above

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[248] Relate this to a problem considered in the previous section. That there are others who cannot coherently accept the view of the good in question, I observed, imposes restrictions on our views of discursive respect: if we assume that discursive respect requires deep unanimity, we cannot in all cases adhere to a constitutive view of discursive respect. Yet if the good in question does not allow us to discriminate between the discursive standing of the reasonable$_P$ and the unreasonable$_P$, then, given the assumption that this good *is* an important good, we would have to accept that we may *never* construe discursive respect in constitutive terms.

argument would imply that we may discriminate between the discursive standing of reasonable$_P$ and unreasonable$_P$ people because it *is* unreasonable to be unreasonable$_P$. And this also applies to contexts where we reason about, or seek to justify, first-order practical views. If O'Neill employs an argument of the above type, then, she would commit herself to the view that constructivist practical reasoning must be (weakly) universal in scope *only within the limits of reasonableness$_P$*. Accordingly, she could not claim that political liberals must include the unreasonable$_{PL}$ in the scope of practical reasoning – instead, she would have to more specifically claim that political liberals should include unreasonable$_{PL}$ people in that scope who are not at the same time unreasonable$_P$.

Note that this would not ask O'Neill to reject the idea of justificatory universalism, but to reinterpret it by the light of the distinction between constitutive and consequential discursive respect. In a generalised form, this idea holds that (first-order or higher-order) practical views must be justifiable to all others for whom they claim authority. Now, the notion 'justifying S to X' can be construed in strong and in weak terms. If we understand it in strong terms, we understand it in terms of a constitutive view of unanimity. Thus, we take the fact that S fails to be justifiable to X as something that shows that S is not right (or correct or true). If we understand it in weak terms, we understand it in terms of a consequential view of unanimity. Thus, we take the activity of justifying S to X to be the activity of *showing*, or *promulgating*, what justifies S whether or not X grasps or accepts S, or the reasons advanced for S. Accordingly, O'Neill would have to construe attempts to justify the view of the good in question to the unreasonable$_P$ in weak terms: such attempts would be attempts to show, or to promulgate, what justifies that view – whether or not the unreasonable$_P$ can coherently reject this view or the perfectionist reasons advanced for it.

Nor would a perfectionist case for the view of the good in question require O'Neill to entirely reject the idea of normative minimalism. The idea of normative minimalism is the idea that (C), i.e., constructivism's standard of justification, should be predicated on a thin, rather than a thick, view of reasonableness. Now, reasonableness$_P$ is thicker in content than the notion of reasonableness O'Neill professes to employ. After all, the view of the good in question can be rejected coherently. Nevertheless, reasonableness$_P$ is still rather

thin in content, or at least thinner than political liberalism's view of reasonableness$_{PL}$.

Not least, once it is conceded that it is unreasonable to reject what is, and can be shown to be, right (or correct or true) on constructivist *or* other, e.g., perfectionist, grounds, the door is open for attempts to *further* limit the range of (higher-order or first-order) practical views that, on O'Neill's picture, would derive their authority from their followability. In particular, opponents of constructivism might now claim that constructivist practical justification, by O'Neill's *own* lights, applies only to those practical views, *if any*, that cannot be shown to be right (or correct or true) on other, e.g., perfectionist, grounds. And there does not seem to be anything in O'Neill that would allow her to reject such a claim while upholding a view that she needs in order to avoid higher-order particularism – i.e., the view that, at the level of higher-order practical reasoning, constructivist practical justification may be restricted to reasonable$_P$ people.[249]

16. *Conclusion*

O'Neill sets out to argue that it is locally incoherent, and in this sense unreasonable, for agents not to include in the 'domain of reason or ethical consideration' all others with whom or on whom they take themselves to interact or act. And, at first sight, the key rationale that O'Neill offers for this idea is the view that agents, in taking themselves to interact with or act upon others, construe these others as connected and vulnerable sources of activity. This case promised to establish that political liberals, for reasons that they must accept, should at least initially include the unreasonable$_{PL}$ in the scope of public justification, and hence must show why we should be reasonable$_{PL}$ in the first place.

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[249] It is not clear how this can best be related to the view on the issue of when beliefs are in need of justification that I have attributed to O'Neill (see III.5). On that view, you should, in assessing whether disagreement about *S* is reasonable, and so puts *S* in this need, employ a view of reasonableness that is abstract or thin enough to qualify all, or almost all, relevant others as reasonable. However, the above suggests that you would have to construe only those objections as reasonable that are, or can be shown to be, right (or correct or true) on constructivist or other, e.g., perfectionist, grounds. By implication, if the view of the good in question is, and can be shown to be, right, unreasonable$_P$ disagreement would not put reasonable$_P$ view in this need.

Upon analysis, a different picture has emerged. Even if we suppose (i) that we must include all others with whom or on whom we take ourselves to interact or act in the scope of moral concern, further arguments are necessary to establish (ii) that we must include these others in the scope of (constitutive) discursive respect. Now O'Neill cannot establish that it is locally incoherent to reject (ii) without supposing a more substantive view of reasonableness, i.e., a view that qualifies agents as reasonable only if they endorse her substantial claims: agents who are reasonable in this sense, but not all agents, would be locally incoherent if they reject (ii). At the higher-order level of reasoning about the scope of first-order practical reasoning, then, O'Neill seems to suppose controversial, unvindicated and thick threshold tests of reasonableness. As it stands, therefore, she seems to reproduce the sort of problem that her case would have to overcome.

To avoid higher-order particularism, I have argued, O'Neill should provide a perfectionist defence of the three substantial claims that I attributed to her. Part of what this takes, I have suggested, is a perfectionist defence of the view that it is an important good that agents be interacted with, or acted upon, on the basis of reasons they could accept. If this *is* an important good, political liberals should not restrict the scope of constitutive discursive respect, and hence of public justification, to the reasonable$_{PL}$. Yet this line of thought comes at a cost. O'Neill would have to accept that higher-order practical reasoning needs to be followable only by people who are reasonable in a perfectionist sense; and she might have to concede that, at the level of higher-order and first-order practical reasoning, constructivist practical justification needs to include in its scope only those people who do not reject what is, and can be shown to be, right (or correct or true) on other, e.g., perfectionist, grounds. The arguments that O'Neill needs here, then, limit, and threaten to undermine, her constructivism.

All this implies that the second aspect of O'Neill's objection against political liberalism fails to achieve its aims. True, if the view of the good in question can be established on perfectionist grounds, there is a sense in which it can be claimed that political liberals could accept it. However, the latter are from the outset committed to reject the arguments that O'Neill would need here. Thus, she would reach the desired conclusion at the cost of not including political liberals in the scope of constitutive discursive respect. And yet, the above points toward a way in which it might be argued, without accepting higher-order

particularism, that it is unreasonable to restrict the scope of public justification to the reasonable$_{PL}$, and, accordingly, that political liberals should justify why we should be reasonable$_{PL}$ in the first place. What is needed here is a perfectionist case for the view that it is an important good that agents be interacted with, or acted upon, on the basis of reasons that they could accept.

Toward a conclusion

Toward a conclusion

1. *Three reasons to reject political liberalism's particularism*

We have came across three reasons, or sets of reasons, to reject political liberalism's particularism – however, none of these reasons, or sets of reasons, would quite give us what we have been after. Political liberals, I have argued, suppose, or commit themselves to suppose:

> (PJ5) Political principles, including principles of political justice, need to be publicly justifiable only to reasonable$_{PL}$ people, even though these principles apply to, or claim authority for, unreasonable$_{PL}$ people as well. (This view implies a rejection of the idea of justificatory universalism.)

> (PJ6) A public justification of the principles (PJ5) refers to does not need to establish, but may take for granted, the content of reasonableness$_{PL}$. (This view implies a rejection of the idea of normative minimalism.)

First, then, we might appeal to the plausibility of the idea that moral principles, including political principles, should be justifiable to all others for whom they claim authority, and conclude that (PJ5), and hence (PJ6), should be rejected.[250] Second, we might appeal to the plausibility of the view that political liberalism's

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[250] See II.2, above.

normatively contextualist view of justified belief, while being (partly) plausible in structure, simply reinforces political liberalism's dogmatism at the level of a view of when beliefs are in need of justification, and conclude that since unreasable$_{PL}$ objections to reasonable$_{PL}$ views should be taken to raise the need to justify the latter to the unreasonable$_{PL}$, (PJ5), and hence (PJ6), should be rejected.[251] Third, we might appeal to the plausibility of the view that it is an important good that agents be interacted with, or acted upon, on the basis of reasons that they could accept, and add that since political liberals already include some others, i.e., the reasonable$_{PL}$, in the scope of constitutive discursive respect, they must at least initially include the unreasonable$_{PL}$ in that scope, too, and hence conclude, yet again, that (PJ5), and thus (PJ6), should be rejected.[252]

Accepting any of these appeals to plausibility would require us to reject political liberalism's particularism. We would not thereby be committed to reject political liberalism's view of the structure of public justification, of internal neutrality, political toleration, political legitimacy, good reasons or, not least, of justified belief. That is, we could still accept the claims

(i) that others are to be respected as free and equal people only if they are reasonable;

(ii) that political principles need to be justifiable to reasonable people only;

(iii) that the justification of such principles should avoid reasonable disagreement;

(iv) that reasonable agreement justifies;

(v) that moral principles may be employed at the second level of political justification – i.e., the level of a justification of constitutional principles – only if they are reasonably acceptable;

(vi) that a theory of political justice may be invoked at the third level of political justification – i.e., the level of a justification of the sort of moral principles that (v) refers to – only if it is as a whole reasonably

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[251] See I.12f., III.4.

[252] See IV.14ff.

acceptable;

(vii) that good reasons must be acceptable by reasonable people;

(viii) that only reasonable objections provide positive reasons to doubt reasonable views;

(ix) that doubt about reasonable views may be taken to be properly dispelled if it can be shown, or if there are good reasons to believe, that these views are justifiable to, or equally accessible to and acceptable by, reasonable people.

However, we would have to predicate these claims not on reasonableness$_{PL}$, but on a more inclusive, thinner view of reasonableness. Again, a more inclusive view of public justification might or might not yield liberal principles of political justice – what substantive conclusions it would yield, if any, is an open question. Yet in respect to its starting points, a more inclusive view of public justification seems more plausible than a view of public justification that starts from a thick, unvindicated, and controversial view of reasonableness, and that thereby from the outset biases public justification towards political principles of a quite specific type. For, whatever the project of a liberal public justification of political principles may reasonably hope to achieve, this would limit and undermine its credibility.[253] Again, this is not to deny that the idea of political principles that appeal, not to mention equally appeal, to truly everyone for whom they claim authority might be an unachievable, merely regulative ideal. Still, it would seem, we should seek to premise public justification on starting points that are, and can be seen to be, plausible and convincing beyond the limits of reasonableness$_{PL}$.[254]

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[253] Cp. II.2.

[254] Cp. I.5. It would seem that the ideal of political legitimacy is served better if we concede that the political principles we advocate fail to be publicly justifiable to all others for whom they claim authority, rather than rigging the starting points of public justification in such a way that these principles may be claimed to be publicly justifiable – yet at the cost of not including some others for whom these principles claim authority in the scope of public justification. The latter effectively silences 'dissenters from liberalism' (see I.11). And in doing so, it could not only encourage resistance to liberalism, but might also make us unreceptive to, or erode our awareness of, the limitations of public justification. Yet a (public) awareness of those limitations seems necessary to (publicly) uphold, and advance, the project of a genuinely inclusive

Now we might content ourselves with the corresponding appeals to plausibility and hence reject political liberalism's particularism for the above mentioned reasons, or a sub-set of them. Yet this would come at a cost. Plausibility would be on our side – or, rather, what *we*, but apparently not political liberals, or the reasonable$_{PL}$, take to be plausible. However, we would beg the question against political liberals, or the reasonable$_{PL}$; we would run the risk of being dogmatic ourselves; and we might simply draw on a partisan, particularist bias for a (weakly) universal scope of first-order practical reasoning. Thus, while we would commit ourselves to a more inclusive view of public justification, we would treat political liberals, or the reasonable$_{PL}$, in what closely resembles *their* way of treating the unreasonable$_{PL}$. This is not necessarily incoherent. Reasons to accept an inclusive view of public justification are not necessarily inclusive themselves. Accordingly, the above suggests that a particularist and constructivist view of higher-order practical reasoning could go hand in hand with, and could be adopted as a platform from which to argue for, a universalist and constructivist view of first-order practical reasoning. Yet unless no better reasons against political liberalism's particularism can be given, it would seem that our reasons to reject that brand of particularism would not be good, or at least not good enough.

2. *Where O'Neill's failing case leaves us*

O'Neill's universalist and constructivist, Kantian or critical view of practical reasoning promised the right kind of arguments against political liberalism's particularism: arguments, that is, that proceed from premises that political liberals, or the reasonable$_{PL}$, could coherently accept, and even premises that they could not coherently reject. Yet it did not deliver on that promise. As to her view of the structure of practical reasoning, O'Neill commits herself to concede that practical reasoning is contextual in structure – if, that is to say, we are to be capable of being entitled to claim our practical reasoning to have authority. Accordingly, her disagreement with political liberalism turns upon the issue of

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public justification of political principles as an *ongoing* project.

when beliefs are in need of justification.[255] Now, she might claim that where others for whom our views claim authority disagree with us, we should take that disagreement to be reasonable, and so as something that raises the need to justify these views. But, we have seen, this view has problems in its own right. And O'Neill could not rely on it in arguments against political liberalism without suitably justifying it – which, however, she does not do.[256]

This is so partly because O'Neill's case about the scope of practical reasoning fails. She fails to establish that agents must include in the scope of constitutive discursive respect all others with whom or on whom they take themselves to interact or act – even if it is already supposed that agents commit themselves to include these others in the scope of moral concern. By implication, she fails to establish that political liberals, or the reasonable$_{PL}$, must include the unreasonable$_{PL}$ in the scope of public justification. Now O'Neill could claim that agents cannot reasonably refuse to include the relevant others in the scope of constitutive discursive respect *if* it is unreasonable to reject her three substantial claims.[257] In particular, O'Neill could claim that political liberals, or the reasonable$_{PL}$, cannot reasonably refuse to include the unreasonable$_{PL}$ in that scope *if* it is unreasonable to reject the view that it is an important good that agents be interacted with, or acted upon, on the basis of reasons that they could accept. This view of the good is highly plausible. Yet to avoid a mere appeal to plausibility, or, rather, what would appear to be a higher-order particularist bias toward the view that first-order practical reasoning should be (weakly) universal in scope, O'Neill would have to go beyond her constructivist notion of practical reasoning. Thus, while we arrived at reasons to reject political liberalism's particularism, we did not arrive at a satisfactory universalist constructivist case against that brand of particularism.[258]

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[255] See III.2ff.

[256] See III.5.

[257] Cp. IV.12.

[258] Cp. II.3. Of course, there still is a sense in which O'Neill's views, and any of the three reasons referred to earlier on, could still be part of what might be dubbed a 'universalist constructivist' case against political liberalism. For, on the assumption that particularist constructivism at the level of second-order practical reasoning does not rule out universalist

Here is what would follow. The idea that first-order practical reasoning should be (weakly) universal in scope – seen as a view about the scope of constitutive discursive respect – and, by implication, the idea that first-order practical reasoning should suppose a thin view of reasonableness, would itself be premised on a view of the good that reasonable agents *may or may not* adopt. And this, it should be added, would be so even if all reasonable agents endorse, or are committed to endorse, a (weakly) universal form of, say, benevolence or sympathy and so construe all others with whom or on whom they take themselves to interact or act as beneficiaries of moral concern.[259] By implication, a universalist view of first-order practical reasoning would be something that opposes, but does not enjoy a more authoritative standing than, a form of particularism like political liberalism. If we content ourselves with the idea that a universalist view of first-order practical reasoning is a mere part or expression of, say, just one moral outlook amongst others, we might settle for this conclusion. Yet if we believe not only that first-order practical reasoning should be (weakly) universal in scope, but also that the view *that* it should have that scope should be backed up by reasons that may claim authority within a correspondingly inclusive scope, this conclusion could not satisfy.[260] In fact, this conclusion would ask us to defend the view that first-order practical reasoning should be (weakly) universal in scope on non-constructivist grounds.

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constructivism at the level of first-order practical reasoning, O'Neill's view, and any of these reasons, could be employed in arguments that seek to provide (indirect) support for a universalist constructivist view of first-order practical reasoning.

[259] As I have argued in IV.8ff., even if we commit ourselves to include other people in the scope of moral concern and accept that they can be included in the scope of discursive respect, we do not thereby commit ourselves to include them in the scope of discursive respect (by implication, we do not thereby commit ourselves to include them in the scope of constitutive discursive respect). More is needed to bridge the gap between moral concern and discursive respect.

[260] Note that, on the view of when beliefs are in need of justification that I have attributed to O'Neill in III.5, she is committed to construe the rejection of the ideas of justificatory universalism and normative minimalism as something that raises the need to justify these ideas. If we follow O'Neill here, we could not adhere to these ideas, or some version of these ideas, without appropriately justifying them – unless, of course, we are prepared to concede that we endorse these ideas arbitrarily or dogmatically.

3. *A case for perfectionism*

What has emerged from the failure of O'Neill's attempt to determine the scope of first-order practical reasoning is a case for *perfectionism* – a case that suggests that such a universalist constructivism has reasons to bring in perfectionist arguments against particularist constructivists like political liberals.[261] If the view that it is an important good that agents be interacted with, or acted upon, on the basis of reasons that they could accept is, and can be shown to be, right or correct on perfectionist grounds, O'Neill could avoid higher-order particularism and conclude that political liberals must at least initially include the unreasonable$_{PL}$ in the scope of public justification, and hence need to at least initially predicate (C), or their version of (C), on a thinner, more inclusive view of reasonableness. Establishing these two things, in turn, is necessary (though not sufficient) to defend the idea that constructivism must be universalist.

This, too, would come at a cost. First, the arguments that O'Neill needs here would limit, and threaten to undermine, her constructivism – both at the level of first-order and higher-order practical reasoning. Second, O'Neill would have to reinterpret the idea of justificatory universalism in such a way that it allows us to exclude some relevant others from the scope of constitutive discursive respect (even though such people would still be included in the scope of consequential discursive respect). Third, O'Neill would have to endorse a moderate form of normative minimalism that allows her to suppose the view of reasonableness$_P$ at the level of first-order and higher-order practical justification. Nevertheless, I have suggested, she has reasons to take refuge in perfectionist arguments for the view of the good in question if she is to avoid higher-order particularism.

Quite ironically, if a perfectionist case for the view that it is an important

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[261] A precautionary remark should be added. I have merely assumed that a perfectionist case for the view that it is an important good that agents be interacted with, or acted upon, on the basis of reasons that they could accept can be made – anything more would have gone beyond the scope of this essay. Yet this view of the good might not be right or correct. And even if it is right, we might be unable to produce perfectionist arguments that reassure us that it has that merit. And, not least, even if we can produce perfectionist arguments that reassure *us* that this view of the good is right, the inclusivist thrust of this view of the good might undermine our trust in these arguments as long as there are intelligent people who, for reasons that they find convincing, reject these arguments, or, indeed, this view of the good.

good that agents be interacted with, or acted upon, on the basis of reasons that they could accept can be made, higher-order constructivist arguments against political liberalism's particularism could be bypassed altogether. For such a case is all that would be needed in order to conclude that political liberals, or the reasonable$_{PL}$, should also include the unreasonable$_{PL}$ in the scope of constitutive discursive respect, and hence in the scope of public justification. To say the least, adding O'Neill's arguments about the scope of practical reasoning to such a perfectionist case would not provide any additional support for that conclusion – unless we interpret the failure of these arguments as providing indirect support for the perfectionist considerations needed here.

This case for perfectionism amounts to a *constructivist* case for perfectionism. Recall the method followed to arrive at the conclusion that O'Neill needs a perfectionist defence of her substantive claims (including, I have suggested, her view that it is an important good that agents be interacted with, or acted upon, on the basis of reasons that they could accept). I adopted the interpretative hypothesis that, on explicitly stated or tacitly supposed grounds, O'Neill can reach her conclusion. In following this hypothesis, I by and large worked from assumptions and aims that O'Neill herself makes or accepts. Where I went beyond such resources, I relied on assumptions that O'Neill is committed to endorse, or would have to accept if she is to achieve her own aims, or at least does not have reasons to reject. Hence, the conclusion just referred to was reached by working from 'available beginnings', i.e., premises that O'Neill could accept, and by following an argumentative strategy that is followable by her. At least in this two-fold sense, my arguments amount to a stretch of constructivist reasoning. Thus, they thereby provide a constructivist case for perfectionism.[262]

Now one of my aims was to make a strong case for perfectionism – a case, that is, that does not start from perfectionist, but from constructivist assumptions. To this end, I criticised O'Neill's views internally. This contributes to the strength of the conclusions reached here. As I have already indicated, however, it requires

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[262] We have seen that O'Neill's argument against Platonist conceptions of practical reasoning – and she subsumes (strong) perfectionism under this label – fail: see II.8f. It now turns out that this is an advantage for O'Neill: had she convincingly shown that Platonist, including (strong) perfectionist, practical reasoning 'cannot count as reasoned' (as opposed to *publicly* reasoned), we would be left with higher-order particularism.

caution in generalising these conclusions. After all, if O'Neill, by her lights, has reasons to embrace perfectionism, then, even though her views mark a leading, exemplary form of universalist constructivism, it may or may not be the case that other universalist constructivists, by *their* lights, have similar reasons. And yet, I have by and large focused on aspects of O'Neill's views that are symptomatic of universalist constructivism's aspiration to argue from premises that every moral agent can coherently accept, and even cannot coherently reject. To say the least, it is reasonable to suspect that if O'Neill has reasons to take refuge in perfectionist arguments in order to support the views that first-order practical reasoning should be (weakly) universal in scope, and that first-order practical reasoning should start from thin assumptions about reasonableness, then *a fortiori* normatively richer, less parsimonious forms of universalist constructivism must, in order to defend whatever additional normative content they suppose, take refuge in such arguments, too.

If we may generalise, then, the following is suggested. Constructivist attempts to defend the view that constructivist first-order practical reasoning should be predicated on the ideas of justificatory universalism and normative minimalism must choose between higher-order particularism and perfectionism. And if we seek to defend that view in a way that is not merely arbitrary or dogmatic itself, or that at best reflects a view of the good that reasonable agents may or may not adopt, we should take refuge in a perfectionist case for the idea that it is an important good that agents be interacted with, or acted upon, on the basis of reasons that they could accept. Hence, we would have to accept that some practical views have authority even if they do *not* meet (C) – at the level of both first-order and higher-order practical reasoning. Accordingly, we would have to concede that the cogency of the very project of a universalist constructivism depends on the success of a perfectionist defence of the view of the good just referred to. At least at the level of a defence of the cogency of that project, therefore, universalist constructivists should not construe perfectionists as their opponents, but as partial, even though uneasy, allies.

Index of key concepts

The following seeks to facilitate navigation through the argument of this essay. It provides a key to abbreviations that, in the body of the essay, I repeatedly use to refer to main claims or views, and lists, without restating their characterisation, some key notions that my argument employs. The list of notions is not complete: I list notions only if doing so is necessary to supplement references and context markers provided in the essay and in the table of contents. Items are listed according to their place of first appearance; exceptions are the notion of reasonableness$_{PL}$, which I locate where I spell out its content, and the claims (ED1) and (ED2), which I locate where I discuss them.

Introduction

(C) *A*-type claims are correct (or right, valid, or true) if, and only if, they are acceptable by reasonable people.

(AU) At least some moral precepts (or, more generally, practical views) claim authority for every moral agent.

(JU) Moral precepts (or, more generally, practical views) must be justifiable to everyone for whom they claim authority.

(NM) Practical justification (i.e., (C)) should be predicated on thin, rather than thick, assumptions about reasonableness.

Constructivism; applicative and justificatory universalism; normative minimalism; universalist and particularist constructivism.

I.1

(PJ1) It [i.e., a moral justification of political principles] should pursue only those aims, and employ only those means, that

are equally accessible and acceptable by free and equal people.

(PJ2) It [i.e., a moral justification of political principles] should acknowledge that free and equal people disagree deeply, permanently and reasonably about 'comprehensive' issues (e.g., conceptions of the good, moral, religious, philosophical and other issues).

(PJ3) A moral justification of political principles should respect reasonable disagreement by arguing from ground that is held in common by free and equal people.

(PJ4) A moral justification of political principles should take equal accessibility and acceptability by free and equal people as genuinely justificatory.

The role of equal respect; accessibility and acceptability; respect for reasonable disagreement; doctrinal autonomy.

I.3

(R1) A comprehensive doctrine, *S*, is reasonable if, and only if, (i) *S* is more or less consistent and coherent, (ii) *S*'s values are more or less structured, and (iii) *S* is a more or less stable body of thought that nevertheless can evolve over time.

(R2) *S* (e.g., a view, comprehensive doctrine, set of beliefs, conception of justice, agreement, disagreement) is reasonable if, and only if, *S* is acceptable by reasonable people.

I.5

(PJ5) Political principles, including principles of political justice, need to be publicly justifiable only to reasonable$_{PL}$ people even though these principles apply to, or claim authority for, unreasonable$_{PL}$ people as well.

(PJ6) The public justification of these principles does not need to establish, but may take for granted, the content of the notion of reasonableness$_{PL}$.

I.8

(LPL) The exercise of political power is legitimate only if (i) it is exercised in accordance with a constitution that (ii) can be endorsed in the light of reasonably acceptable moral principles.

I.11

(SV1) Other things being equal, it is reasonable to react to moral

disagreement by objectifying or bypassing controversy.

(SV2) Other things being equal, it is unreasonable not to react to moral disagreement by objectifying or bypassing controversy.

Objectifying one's stance; bypassing controversy; dogmatism and reasonable disagreement.

1.13

SC Regresses of justification may legitimately terminate with beliefs, which, in the context in question, *are not in need of justification*. Let us call these latter beliefs *contextually basic beliefs*. (Quoted from Timmons (1999).)

NC A person [X] is justified at time t in believing some proposition [*S*] in context C if, and only if, [X's] holding [*S*] at t conforms to the relevant set of epistemic practices and norms operative in C. (Quoted from Timmons (1999).)

Political liberalism and the limits of public dogma; structural and normative contextualism.

I.14

Reasonableness$_{PL}$.

II.3

First-order and higher-order constructivism.

II.4, II.5

The meaning of the word "reasonable", reasonableness and unanimity, constitutive and consequential conceptions of unanimity; weak, strong, deep unanimity.

IV.1

(A) Agents "cannot reasonably exclude from the domain of reason or of ethical consideration others with whom or on whom they take themselves to interact or act." (Quoted from O'Neill (1996).)

(A1) Agents, in taking themselves to interact with or act upon others, presuppose certain abstract, factual assumptions about these others and their relation to them. In particular, they presuppose that those whom they take to be recipients of their activity are 'sources of activity' that are connected to them and vulnerable to the effects of their activity.

(A2) It is locally incoherent, and in this minimal sense of the notion unreasonable, for agents not to accord ethical standing and consideration to others with whom or on whom

they take themselves to interact or act.

IV.7

(C1) Whenever agents take themselves to interact with or act upon others, their activity presupposes assumptions to the effect that these others are sources of activity which are connected and vulnerable to them.

(C2) Agents should include in the scope of *moral concern* all others whom they take to be sources of activity which are connected and vulnerable to them.

(C3) It is locally incoherent, and in this sense unreasonable, for agents not to include in the scope of *discursive respect* all others with whom or on whom they take themselves to interact or act.

IV.8

Conceptions of moral concern; conceptions of discursive respect; constitutive and consequential discursive respect.

IV.9

(ED1) It can be locally coherent to include *possible beneficiaries of moral concern* in the scope of moral concern but not in the scope of discursive respect.

(ED2) It can be locally coherent to include *possible beneficiaries of discursive respect* in the scope of moral concern but not in the scope of discursive respect.

(C4) Beneficiaries of moral concern that have, or can have, views on, e.g., the goodness or badness of reasons for action should be included in the scope of discursive respect.

(C5) It is an important (or a central or necessary) element of the good of agents to be interacted with, or acted upon, on the basis of reasons they could accept.

(C6) It is an important (or a central or necessary) element of my (or our) good that I (or we) interact with, or act upon, others on the basis of reasons these others could accept.

IV.11

(A*) If agents adopt O'Neill's substantial claims, they are locally incoherent, and in this sense unreasonable, if they do not include all others in the scope of practical reasoning with whom or on whom they take themselves to interact or act.

O'Neill's substantial claims; threshold tests of reasonableness$_O$.

IV.12 Higher-order particularist constructivism; thin perfectionism.

IV.14 Reasonableness$_P$.

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