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The Respect Fallacy:

Limits of Respect in Public Dialogue

Deliberative politics should start from an adequate and differentiated image of our dialogical practices and their normative structures; the ideals that we eventually propose for deliberative politics should be tested against this background. In this chapter I will argue that equal respect, understood as respect a priori conferred on persons, is not and should not be counted as a constitutive normative ground of public discourse. Furthermore, requiring such respect, even if it might facilitate dialogue, could have negative effects and lead to fallacious paths of thought –as seems to happen on matters of deep disagreement such as the Colorado Fundamentalist/Gay HIV issue I discuss in paragraph 6. I will put forward this argument from the standpoint of argumentation or discourse theory, drawing consequences for dialogical theories of politics. Basing my argument on a pluralistic notion of public discourse – understood as a mixed discourse of persuasion, information-seeking and negotiation – I will argue that respect is a dynamic, situational phenomenon, and that the norm of equal respect for persons is contextually contingent in political deliberation: equal respect should be considered as a potential outcome, a discursive achievement – which I understand as a second order consensus achieved dynamically on a provisional basis – rather than as an universal condition for dialogue.

1. *Preliminary remarks: reciprocity, equality, impartiality.* Respect seems to be first of all a moral and social attitude. It is not in itself necessarily reciprocal: someone can always be respectful without being respected. Neither does reciprocity imply equality: there are various social and

political practices in hierarchical societies, even in democratic ones, that express reciprocal respect under conditions of asymmetry and inequality, for example the Kula exchange or Kula ring – the ceremonial exchange system studied in Papua New Guinea by Malinowski and Mauss.[1] Respect is not analytically equal respect. Even those who see respect as a moral ideal of intrinsic value might not agree that its intrinsic moral value implies the intrinsic moral value of *equal* respect.

But *should* respect be equal? Should we submit it to some normative principle of equality? Some contest this, affirming that if there is a normative principle regulating respect, it is not equality. For instance, Harry Frankfurt states: "treating a person with respect means, in the sense that is pertinent here, dealing with him exclusively on the basis of those aspects of his particular character or circumstances that are actually relevant to the issue at hand" (150). That's why "treating people with respect precludes assigning them special advantages except on the basis of considerations that differentiate relevantly among them" (150). In dealing with people we should be guided only by what is genuinely relevant. Thus, respect entails impartiality and avoidance of arbitrariness rather than equality – understood by Frankfurt as "a matter of each person having the same as others."[2]

Whatever the normative principle of respect may be, it is reasonable to agree with Frankfurt that respect, even if assumed as a basic moral principle, is a defeasible value that sometimes may be overridden by other moral values: "people often prefer – sometimes for perfectly good and even admirable reasons – to be treated as though they have characteristics they do not have or as though they lack characteristics that they actually possess" (150n). We need not share Frankfurt's

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[1] On this see especially Sennett ch. 8.

[2] Of course this is a rather peculiar understanding of respect and equality and one should ask whether impartiality so understood isn't a form of equality, at least equality as expressed in the principle of formal justice formulated by Perelman: treating similar cases in similar ways and different ones in different ways (Perelman and Olbrechts-Tyteca § 52).

perspective to realize that respect is balanced against other values (I may prefer to love or be loved even at the price of not being respected or of being humiliated), and that in many social and political intercourses (such as recognition politics) respect is a 'good' that is being negotiated. Hence the commitment to respect, equal or not, is not necessary insofar as it is often withdrawn in practice. In what follows we'll see particularly how this all in dialogical practices.

2. *Against equal respect as universal* a priori. Given this, we can come closer to our argumentation theory approach. First, I aim to show in which sense "equal respect" for persons – understood as addressed universally to members of the moral community – is not a necessary normative ground for public discourse in general. This means first of all that equal respect for persons is not a universal *a priori* that must be satisfied in order to enter into any form of dialogue.

Argumentation theories – for example Perelman's *Nouvelle rhétorique,* Toulmin's *fields of argument,* van Eemeren's and Grootendorst's *pragma-dialectics,* Walton's *New Dialectic* – do not usually introduce respect as constitutive of the normative structure of discourses. Nevertheless Apel's discourse ethics and Habermas' moral theory of discourse have seen it as a universal necessary presupposition of entering into a dialogue to assume (even counterfactually) that certain norms are satisfied as categorical imperatives, and they have tried to derive these norms from the procedural principles of argumentation, which imply minimal ethical principles, including equal respect. (Take for example Habermas' principle of universalisation (U): a [moral norm] is valid just in case the foreseeable consequences and side-effects of its general observance for the interests and value-orientations of *each individual* could be *jointly* accepted by *all* concerned without coercion.) This means that there are dialogical commitments we necessarily and *a priori* endorse whenever we enter into dialogue: a contradictory idea, one could say, since commitments are given in the

modality of possibility, as something we may or may not endorse, and it is not clear whether a norm we must endorse could still be qualified as a commitment.

A different view was later adopted by Habermas (1996), where he not only definitively abandoned the transcendental approach but also restricted the principle U to moral argumentation and formulated a more general principle for the validation of discourse named (D), consisting in a principle of impartiality: a rule of action or choice is justified, and thus valid, only if all those affected by it could accept it in a reasonable discourse. This was because Habermas acknowledged that there are different kinds of arguments – ethical-political, juridical, moral, pragmatic, prudential, negotiation and so on – and to submit them all to the normative principle of universalisation would deny their peculiarity and normative autonomy. The general principle (D) requires only impartiality for argumentative justification of norms and is detached from the requirement, typical of moral discourse, of universality and equality of rights for all possible participants. Thus (U) ceases to be the normative principle of the genus of discourse and becomes a principle regulating that specific kind of discourse (moral discourse) whose claims must be justified universally in light of an equal consideration of interests; they are thus addressed universally to all rational beings/persons as members of the moral community to whom equal respect is due. If this is to be consistent, I think it should imply that the principle of universalistic equal respect for persons – implied by (U) and not by (D) – is not a necessary presupposition of public discourse: public discourse is a mixed form of discourse where different contexts of discourse intersect and different kinds of arguments occur.

3. *Defeasible respect in dialogue*. So far I have argued that equal respect for persons is not a universal *a priori* in any form of dialogue. Moreover, even if some kinds of dialogue do require some form of respect from participants, this does not mean that this commitment couldn't be withdrawn or defeated. Even if we commit ourselves in the political sphere to the moral principle of

universalisation as a regulative ideal (not in itself political), and thus to universal equal respect for persons, this principle can always be balanced against other principles and values and eventually retracted: for instance, in political discourse there could be reason to give priority to ethical-political considerations addressed to a specific community over those addressed to all human beings. Also, even within the moral domain we shouldn't, according to moral pluralism, understand respect for persons as an all-encompassing, indefeasible moral first principle, but rather as one consideration among others.

But even if public discourse is regulated by principles of impartiality such as Habermas' principle of Discourse, Perelman's formal justice or Stuart Hampshire's procedural principle of *audi alteram partem*, all these might be understood as normative principles of respect, since impartiality could be, following Frankfurt, the normative principle of respect. If so, what exactly is being respected here? Equal or not, would the kind of respect eventually required in dialogue be a respect for persons?

I address this question from the vantage point of Stephen Darwall's article "Respect and the Second Person Standpoint" (2005). Darwall considers the possibility that recognition respect – which according to his previous article (1995) is not necessarily personal, since we could have recognition respect also for inanimate beings such as claims, norms, institutions and so on (38) – could come in degrees, be more or less earned, or eventually in some circumstances retracted. Darwall's examples concern contexts such as testimony in trials (legal discourse), cooperative search for truth (scientific discourse), advice (information-seeking dialogue), mutual inquiry and addressed criticism (persuasion, critical dialogue, or quarrel). Here we are expected, first, to acknowledge by default some authority of the person we are dealing with (as a rational being, a witness, an expert or practical advisor and so on) and thus recognitionally respect him or her; nevertheless it may become apparent afterwards that this authority was not reliable, and we may be

driven to grade our acknowledgement of authority or deny it. This is "defeasible" recognition respect: epistemic authority is "defeasibly merited," as Darwall puts it, i.e., liable to be overridden under appropriate circumstances (note also that here Darwall connects defeasibility with this recognition respect of authority being conditional on epistemic merit or excellence). Darwall's point is that the specifically moral recognition respect for persons he defends is of a different kind (indefeasible and not conditional). In the aforementioned examples the authority we recognise in the second person (showing recognition respect for theoretical knowledge, practical wisdom, etc.) – is ultimately an epistemic-like authority that is not essentially second-personal, expressible in the third person, whereas the specific moral authority proper to equal respect for persons is practical and essentially in the second person.

Let's assume that Darwall is right in this: it follows that equal respect is not a general principle of public discourse. Recognition respect in the second person may be proper to moral discourse but is not required in most contexts of public discourse, where we are primarily expected to acknowledge an epistemic, defeasible authority that must be expressed in the third person. Some may call this acknowledgement respect, but it need not be egalitarian in a strong sense: we could discover reasons to give different weight to the epistemic authority of different partners of dialogue, and in some contexts we should give different weight to them by default, such as information-seeking dialogues with experts.

We now must look closely at some structural features of public discourse. In order to be validity structures for discourses, distinguishing sound arguments from bad ones, argumentation theories usually assume that we must appeal to a position that has been identified as either the rational judge, the generalised other, the universal audience, the community of communication, or whatever one wishes to call it. The validity structure implies the third person perspective of a judge: that is, the second person standpoint must be re-expressed in the third person to be evaluated. Hence, the

grammar of the second person is necessary but not sufficient to articulate the grammar of public discourse. Secondly, the authority we acknowledge in the second person is in many cases one we may see as an instantiation of a third person authority: an epistemic or practical authority.[3]

 In public discourse the authority of the partner is not indefeasible. Furthermore there is no indissoluble connection between the defeasible authority we acknowledge in our partners and what they say: I need to separate your claim from your authority and look at it in the third person. *Focus on reasons, not persons*. The validity of your claim should be weighed separately from your authority; that may itself come under scrutiny and be graded at a different stage.

Of course there are contexts of dialogue where it may be relevant that precisely *you* made that claim – as in a quarrel, where I am not committing a fallacy by reproaching you; or in negotiation, where you are protecting your own interests; but this should be not generalised to all contexts of dialogue, otherwise *ad hominem* attacks would always be sound. The assumption that it is always relevant *who* makes the claim – that is, a systematic *tu quoque,* or incapacity to see the second person from a third person standpoint – might, as we'll see, engender argumentative fallacies. Of course there are ethical-political discourses where your identity, your history, what you have suffered, may be relevant in evaluating your claim; but this is not always so in political deliberation, otherwise politics *per se* is reduced to identity politics.

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[3] This could be said not only of the supposed kind of recognition respect we have in public dialogues, but also of specifically moral Kantian versions of personal recognition respect, even in Darwall's second person standpoint (for a second-person standpoint approach compare Bagnoli), where you are respected as an autonomous being and hence as an instantiation of moral law. This does not satisfy our intuition that personal respect should be an individualising act, referring to the person as *this* individual - just you (on this see Galeotti 29). Let's assume that equal respect *bona fide* should be given in a reciprocal I-thou relation of co-authority – where I demand of you, and vice versa, to be recognised as your equal. Were this reciprocal respect, it could not be required for it to be a universal principle of discourse.

Argumentation theories help us understand that public discourse is not a monolith, but is differentiated in various contexts of dialogue with distinctive normative structures and burdens of proof (such as persuasion, inquiry, information-seeking, deliberation, negotiation, eristic dialogue; Walton 171-173) – and different kinds of arguments (moral, ethical-political, juridical, pragmatic, strategic). Even political discourse should not be modelled upon one single context of dialogue: the role of deliberation – where agents have to choose between different courses of action – should not be overestimated, since political discourse is often a mixed discourse where persuasion, practical deliberation, information-seeking, negotiation, and eristic dialogue are intertwined, and where legal, strategic, pragmatic, moral, and/or ethical arguments all occur, given the circumstances. From this, deliberative politics might gain a pluralistic notion of public discourse, which implies not conflating public discourse with moral argumentation, and not posing moral equal respect for persons as the monistic principle of political deliberation.

4. *Fallacies of Respect.* A further point is that making respect for persons a pre-condition of discourse could foster argumentative fallacies such as *ad hominem* attacks and refusals to enter into dialogue with people we do not (sometimes for good reasons) respect. Dialogue requires that we respect what is said, not who says it: to think that respect for the person is a necessary condition for respecting what is said may lead to fallacious paths of thinking.

A frequent fallacy in public dialogues, particularly in political contexts, is the *ad hominem* argument. Fallacies are traditionally understood as arguments that *seem* valid but aren't. Argumentation theories have tried in various ways to explain what exactly is wrong in fallacies. Here I assume (following contemporary theories) that no arguments are of themselves fallacious; they become fallacious when used in ways that break the rules of the dialogical game. Following Walton's *New Dialectic* this means that there are contexts where arguments such as *ad hominem* are

legitimate (for example some forms of eristic dialogues) and others where they are not (for example inquiry) – and that fallacies arise when there is a shift, not agreed on by the parties, from one context of dialogue to another (Walton & Krabbe, 108): that is why the arguments might *seem* valid to someone, since the shift is covert, not perceived by anyone.

This characterisation is rather formal, and I think much remains to be explained about what exactly happens in public dialogues where fallacies such as *ad hominem* are ubiquitous. If in scientific inquiry an argument is attacked on the basis of the alleged personal immorality of the scientist – he harassed a student some years ago – it is pretty clear that an illicit shift from persuasion dialogue or inquiry to eristic dialogue has occurred. But in a political context where we listen to an expert about waste disposal (i.e., an information-seeking dialogue), we may later discover that the expert wasn't impartial, as he had concealed having shares in a firm specialising in waste disposal in just the way he proposes: then a personal attack would be rather reasonable.

The theory of context shift lets us glimpse a general structure of fallacies but misses something about what is peculiar to *ad hominem* attacks. A definition of *ad hominem* is this: "a technique of argument used to attack someone's position by raising questions about the person's character or personal situation" (Walton 111). Let's reconsider our examples from the perspective of respect: in the first, bad moral character is alleged; in the second, it is alleged that the person has a hidden agenda. In the first, instead of attacking your argument on a scientific basis, I attack your argument because you are not worthy of respect as a person: you did something morally wrong, and I assume this invalidates your argument too. Since you are unworthy of respect, so is your argument. The respect in the first part of that sentence is personal moral respect, whereas that in the second part is epistemic respect. One could also say that the recognition respect due to the epistemic authority of the person is attacked because of the lack of moral authority of the person, which is then transmitted to the claim. I understand this "respect fallacy" as the product of an unnecessary demand for moral

personal respect as a precondition of entering into dialogue; this is a moral psychological explanation but also a normative one, since it shows that it is a wrong application to dialogue of the norm of respect for a person that co-produces the fallacy. In dialogue we should be prepared to disentangle the authority of the claim from the authority of the claimer and judge it from a third person standpoint.

The systematic conflation of the third person with the second could be the source of frequent fallacies in public discourse. Nevertheless there can be occurrences where the moral authority of the claimer *is* relevant to judge the credibility of her or his third person epistemic authority and in weighing the authority of what is being said – as in the waste disposal case, where the alleged hidden agenda justifies doubting the person as an objective arguer. But this cannot be the general rule. Hence the norm of personal respect in public discourse is contextually contingent, in the third person and retractable.

I want to make a further point with regard to fallacies. The appeal to authority can amount to the fallacy *ad verecundiam,* as in a critical discussion when someone, instead of raising critical questions and giving arguments, just pays respect to some authority. But appeal to authority is by no means always fallacious, since it is pretty reasonable that in some contexts – when we seek information relevant to a decision – we appeal to experts for relevant information. So clearly epistemic authority in dialogue is gradable – not everyone counts as an expert – and if there is to be a rule of respect for personal authority in dialogue, this would be a non-egalitarian recognition respect: there can be no general rule for equal respect of personal authority, but rather a rule of impartiality and guidance by the relevant authority, treating similar cases alike and relevantly dissimilar cases differently.

5. *What about the alleged two kinds of respect?* One may argue that in analyzing the "respect fallacy" I did not draw a distinction between respect of the person *per se*, and of particular merits and excellences. After all, wasn't the "personal moral respect" we were talking about of the second kind, that is, appraisal of the moral value of the person? So, even if one admits that moral respect in this second sense is not a precondition for entering into a dialogue, and that an unnecessary demand for it may cause fallacies, this would not prove that moral respect in the first sense is not required as a precondition of dialogue.

Here I would first like to address the distinction between two kinds of respect introduced by Darwall and followed by many authors, that is between universal, unconditional recognition/status respect for persons *per se* and particular, conditional merit/esteem/appraisal respect for persons as determinate individuals. That this is a rather recent theoretical construal resulting from processes of emancipation within the modern world does not, of course, in itself mean that such a distinction may not be somehow justified. I want to stress what has been noticed by many, i.e., that in our practices these two supposedly different kinds of respect are intertwined. Adding a genealogical trait to the picture, I would say that it is from an experience of appraisal respect of concrete individuals that we may eventually come, through education and abstraction, to think of individuals – the ones we have interacted with or distant ones – as worthy of status respect as persons *per se*, and maybe form a habit of doing so.

There are reasons not to presuppose such a distinction *a priori* and base a discourse theory on it. First, such a distinction does not seem to be deeply rooted in ordinary language and discourse, where there is no sharp line between the alleged two senses. The distinction is rather theoretical, introduced on the basis of philosophical assumptions. Thus the burden of proof seems to be on those who introduce it. Furthermore, such a distinction depends on metaphysical notions not accepted by all (what does it mean, "a person *per se*"? Or "a person as such"?). Consider this

application of Bernard Williams' dilemma of equality (1973): either we look at empirical features of persons, and it will be hard to find a basis that could justify equal respect for them (some empirical property found in all persons in similar measure); or we look for some transcendental capacity (i.e., some abstract moral capacity) that won't be accepted by those who doubt the very existence of such noumenical capacities (and this is exactly what those who introduce respect for persons as such tend to presuppose).[4] Finally, in the expressions 'respect for a person as a person', 'respect for a person as such,' there seems to be an ambiguity not easily solved: sometimes it indicates an appreciation of personality traits of the person, generally considered desirable in persons whatever their particular roles; sometimes it indicates a widely inclusive, non-conventional status that persons have, though lacking most human excellences or even believed to be immoral (Hill, 284). This indicates a need for further thinking; basing a discourse theory on such an ambiguous distinction may produce more problems than it solves.

Were the distinction between two kinds of respect better worked out and even justified from a moral point of view, we would nevertheless not need to take it preliminarily into account in developing a framework for public dialogue. As argued, either respect for persons is not relevant for dialogue in general – that you are a person *per se* doesn't usually affect the soundness of your argument (a computer could have a better one) – or, if relevant, respect mainly concerns issues that deal with the particular person you are (your identity or history, your alleged dishonesty and so on).

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[4] Regarding the two versions of Darwall's specific account of universal respect, the first one, in the third person (1995), is neither specific for persons (there are kinds of recognition respect we owe to claims and norms), nor indefeasible and unconditional: this respect for epistemic authority is retractable in dialogue and conditional on epistemic merits. The second version (2005), in the second person, seems to be specific to moral respect for persons, and that's why it cannot be useful for understanding the kind of respect we eventually need in all kinds of dialogue (except for some moral dialogues).

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So, even if we admit the legitimacy of the distinction between respect of persons as such and respect as an appraisal of the merits of particular persons, this should not lead us to say that the first is more than contingently connected with the kind of epistemic respect for what is said basically required in public dialogue.[5]

6. *Unwelcome Consequences of Personal Respect.* Making moral (equal) respect for persons *per se* a necessary condition for public discourse could sometimes hinder dialogue and prevent the search for some kind of agreement between parties who may or may not equally respect each other as persons, but nevertheless could respect as legitimate, even if they don't agree with, the values, beliefs and preferences held by their counterpart. Recognising the other as an equal co-member of a moral community could contingently facilitate dialogue and agreement between persons, but it may be unnecessary, and sometimes dangerous, if respect for what the other person says (whoever he or she may be) is the thing really to be secured.

I here develop a suggestion from Dryzek and Niemeyer (641). Arguably respect for the moral standing of others may prevent violence against them, thus facilitating dialogue. However, respect for persons may be beside the point when it comes to generating "meta-consensus": i.e., respect for persons as co-members of a moral community could be beside the point in generating dialogue

[5] An anonymous referee suggested that even if we should not show equal respect to the people we are arguing with, we should nevertheless give equal respect to the content of their arguments – in other words, show equal respect for what is said, for the reasons they advance. Even if it were possible to construe this as a case of equal respect for reasons, I doubt this would prove that respect for persons – and in particular *a priori* respect for persons per se – is a necessary condition for respect for what is said. Even if some constraints in dialogue could be construed as norms of equal respect, under some particular interpretation of equality (not necessarily a universalistic one), that would not in itself imply that these are norms of equal respect for persons. The burden of proof should be on those who assume this connection and the need for a notion of personhood to account for these norms of dialogue.

between parties. For instance, respect for the moral standing of others is consistent with a refusal to engage with their claims in dialogue. Let's take Dryzek & Niemeyer's example of Fundamentalist Christians who "hate the sin and love the sinner": loving sinners as persons – in this case gays and lesbians – is consistent with refusing engagement with their sinful views, that is with their claims in public discourse on, say, HIV policies. So any connection between moral respect for persons and respect for what they say is contingent and varies from case to case. Dryzek and Niemeyer describe a dialogue on HIV-AIDS policy in Colorado, designed to produce advice for the state government. The participants were selected to represent democratic diversity and included Gay Activists, people with AIDS, and Fundamentalist Christians active in anti-gay-rights campaigns. We may assume that these latter saw themselves as respecting the moral personhood of the gays *per se* (loving the sinner as a person *per se*), but disrespected certain features of their personal identity; in Darwall's terms they may have had moral personal recognition respect but no personal appraisal respect for the others. So we have a case where moral respect for persons *per se* is at least insufficient to entertain dialogue: indeed, it could sometimes be an obstacle to dialogue. Note that applying the distinction between the two kinds of respect so as to dig an unbridgeable gap between the person *per se* (to be respected) and the person with her or his individual features and circumstances (that I may disrespect) could be part of a excluding attitude, since I can always say that I respect you as a person *per se* while refusing to deal with your particular moral identity. Here again we have the 'Respect Fallacy': since you are unworthy of personal (appraisal) respect, so is your argument. And the fact that I am ready to give you personal recognition respect as a person *per se* does not advance the situation, but eventually makes it worse. I think this example illustrates that the idea of respect in the second person (either recognition or appraisal respect) as a universal precondition of dialogue is flawed. In the Colorado case no progress could be made until after the Christians set aside the

entirely moral issue of the moral personhood of the others.[6] Eventually some measures of public

policy, such as moral education in school and sexually explicit material targeted at the gay

community, were agreed upon, although not as components of an overlapping consensus, since

these measures remained objectionable to gay activists and Fundamental Christians, respectively.

Progress could be made when each side came to recognise "the legitimacy of the values of the other

side as they might have to enter public policy consideration – while not recognising the legitimacy

of the identity of the others and (on the fundamentalist side) still believing that gays and lesbians

should be denied public policy protection of their rights as a matter of state policy" (Dryzek and

Niemeyer 642). We could say that progress could be made when they came to distinguish respect

due to persons from respect due to what is claimed.

7. *Restrictions on Dialogue and its Openness.* Dialogue should be possible between partners who

do not respect each other equally, or even do not respect each other at all. In fact dialogue could be

the way to obtain the missing respect, and this is a reason to think that the value of public dialogue

may override the value of respect. Readiness to argue with those who do not respect us (or the other

way round), and to take into account their claims, could be an attitude with moral value. So I think

it reasonable not to think of respect as a condition *a priori*, posing restrictions on access to public

dialogue: otherwise the cognitive and eventually moral heuristic process of dialogue would be

undermined.

Neither should we think that *a priori* conferred respect for persons *per se* in itself facilitates

dialogue. Respect justified on the basis of a positive, substantive understanding – a religious,

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[6] One may object that it is not clear which sense of "moral personhood" is being invoked here. And in fact it isn't;
very often public discourses, in applying the ambiguous notion of respect for persons, make an opaque appeal to
metaphysical notions of moral personhood (such as in the "loving the sinner and not the sin" case).

metaphysical or even pragmatic one – of personhood always posits restrictions on the range of subjects to be included: restrictions that may be revealed as arbitrary.[7] That also goes for restrictions that limit the attribution of respect for persons to those belonging to the natural kind of homo sapiens (fallacies of *speciesism*); even the usual candidates for defining features of personhood – capacity to suffer, rationality, autonomy, moral agency and so on – are always gradable and aren't necessarily satisfied in every case (such as in seriously deficient humans). I am not saying that we shouldn't engage in discussions about personhood or that every attempt to justify a theory of personhood is flawed from the beginning. My point is that only through dialogue can we eventually discover the specific contents and bounds of personhood, and that's why respect reflecting a substantive notion of personhood shouldn't be a precondition of public dialogue itself.

On the other hand, we should be ready in dialogue even to consider arguments raised by or concerning individuals that we do not actually confer personhood on, and that may never be eligible candidates for it. Here, think not only of embryos, non-human animals, aliens and robots: just recall that personal recognition respect has been historically extended and that in the past slaves, indigenous peoples, blacks and even women weren't thought of as satisfying the current criteria. In other words, views about who is entitled to respect have suffered and could still suffer from what Nancy Fraser calls *misframing*:[8] they have been framed by grammars of discourse that foreclosed the claims of some, and which may still obscure claims we cannot even imagine as possible, let alone legitimate. One should acknowledge that, just as rituals of reciprocal respect in traditional societies were ideological means to legitimise economic and social inequalities, practices of equal respect for persons nowadays could have an ideological function too. Once we accept that misframing can exist in principle, we realise that we can only treat framing disputes dialogically, as

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[7] On this see also Margalit chap. 4.

[8] For this notion, in relation to the issue of justice, see Fraser.

public discourse conflicts whose legitimate resolution requires unconstrained, inclusive public discussion. First-order questions of respect for persons must be handled discursively, that is, within reflexive dialogue, or meta-dialogue. Thus the very reflexivity of public dialogue – the fact that this dialogue can reflect on the wrong configurations that actual grammars of personhood pose on public debates – argues for the historical and contextual contingency of the value of respect for persons in public dialogue, and thus in a deliberative conception of politics and meta-politics; in other words, respect for persons is not a universal meta-dialogical rule.

8. *Respect and consensus of the second order.* The preceding points don't mean that no kind of respect could be part of the normative achievements of public discourse and political deliberation. The point is to distinguish clearly, on the one hand, between respect as a *static, a priori* presupposition (unnecessary and sometimes dangerous) – and respect as a dialogical achievement, a *dynamic, a posteriori* second-order respect; and on the other hand between respect as equally due to persons (unnecessary as a precondition of public dialogue) and respect as justifiably due to values, beliefs, and preferences we may not share but still find legitimate (normative meta-respect).

Dialogue need not *a priori* presuppose respect for persons, but could achieve, by itself, respect justifiably due to values, beliefs, and preferences we may not share but still find legitimate – for instance, we disagree on how to prioritize certain values or preferences but still find it reasonable that others think differently about it. This normative meta-respect (respecting other views as legitimate) is neither *de facto* nor *de jure* personal (as concerning the views themselves) – and should not be conceived as a *static* presupposition, but a dynamic, second-order achievement. Of course dialogues could concern persons and the respect due to them, and it could contribute to enlarge our views and achieve better conceptions of personhood, but this still does not mean that respect for persons is a necessary presupposition of dialogue: in this case too what we need is to

appreciate the views others hold on personhood. That's why I think prominence in public dialogues and deliberative politics should be given to respect for the legitimacy of values, beliefs, and preferences we may not share but acknowledge as legitimate.

Note that even respect for the legitimacy of values, beliefs, and preferences should not be conferred *a priori*, as indefeasible and unretractable. Were it so, the consequence would be that *anything goes*: there would be no way to distinguish between legitimate and illegitimate claims, and dialogue would defeat itself and its validity structure. Rather, respect for the legitimacy of beliefs, values and preferences we may not share is something we may come to appreciate in the course of dialogue when given some reasons: for instance, we may predict respect for the legitimacy of beliefs to be much more restricted than that of values and preferences. This implies that there will always be views we won't hold as respectable; and this is not a bad thing in itself.

Framed this way, the issue of respect intersects with a major problem in political philosophy and argumentation theory: that of consensus. I'll give some hints as to how a concept – second-order consensus – could be useful in helping us understand consensus in deliberative politics.[9]

The consensus we need in deliberative democracy is not on first-order beliefs, values and preferences, but rather a second-order consensus, achieved dynamically, on how to disagree on first-order views. A provisional and contestable meta-consensus on how to reasonably disagree implies a dynamic reciprocal recognition between the parties centred on the legitimacy of beliefs, values and preferences held by the persons involved, rather than on the persons themselves.[10] This should also help overcoming those obstacles to dialogue that arise because people do not very often personally respect or esteem each other.

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[9] On this issue see Cantù & Testa.

[10] On "legitimate disagreement" see especially Kock.

9. *Respect as a second-order disposition?* It may still be argued that at least some kind of respect is given to the other as a valuable counterpart in a dialogue, and that this implies a norm of reciprocity – although not of equal reciprocity, since the other could be a more or less valuable counterpart. I may not respect *you* as a person *per se* – maybe you are not a person under the given concept, but a computer; I may not respect you as *this* particular individual – some would say I don't esteem you; but still, as long as I am ready to enter into dialogue with you, I am treating *you* as a valuable counterpart in *this* dialogue. Does not the willingness to listen to what others say amount to some kind of non-trivial respect for persons as speakers? Even so, it does not imply that respect for persons is a condition for being able to show respect for what is said. We may simply suppose that it implies some kind of respect to be further qualified, something that a dialogical interaction promotes as its by-product. What would this respect be like? It is neither an *a priori* presupposition nor a condition of possibility of dialogue: dialogue could take place for strategic reasons and thus without any appreciation of you as a valuable counterpart. This respect would be best conceived as a second-order disposition that dialogue may promote and stabilise. This by no means implies that we need *a priori* to specify the determinate content of the other that is being recognised or respected (human individual, moral agent, rational being, talking animal, community member and so forth). This varies contextually and should be left to the participants in the dialogue themselves. Note that it would be difficult to classify this respect either as recognition/status respect or merit/esteem respect, since it seems to have to do both with your status as a participant in a dialogue and with my appraisal of your individuality. It would be a mixed form, as I think it always is, and we should not try to over-determine its content *a priori*. The bent towards a normative over-determination of the disposition to recognise, in order to keep public discourse open, could in fact,

as I have argued, set too many restrictions on the openness of the discourse and in the end undermine the dialogical situation itself.

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