

# Public Justification, Inclusion, and Discursive Equality

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*ABSTRACT:* The paper challenges the view that public justification sits well with emancipatory and egalitarian intuitions. I engage political liberalism's view of public justification. A standard objection to this view is that public justification should be more inclusive in scope. This is both plausible and problematic in emancipatory and egalitarian terms. If inclusive public justification allocates discursive standing that has much discursive purchase, as seems desirable in emancipatory terms, it is unable to allocate equal discursive standing within relevant scopes. And, if it must allocate equal discursive standing, discursive equality should be construed in terms that allow for unequal discursive purchase.

*RÉSUMÉ :* L'article questionne les supposés rapports entre justification publique et toute intuition émancipatrice et égalitaire. Je m'y confronte à l'idée de justification publique selon le libéralisme politique. On lui objecte que la justification publique devrait être plus inclusive. Ceci est tant plausible que problématique en termes émancipateurs et égalitaires. Si une justification publique inclusive alloue une posture ayant autant d'achat discursif que desire en terme d'émancipation, elle ne peut le faire au sein des domaines pertinents. Et, s'agit-il d'allouer une position discursive équivalente, l'égalité doit permettre un achat discursive inégal.

**Keywords:** public justification, reciprocity, respect, equality, political liberalism

## 1. Introduction

Robustly public justification—understood as a form of interpersonal justification by a standard of reciprocal, equal acceptability—is often taken to resonate especially well with basic emancipatory and egalitarian intuitions. Such justification

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## 2 Dialogue

1 aims to allocate to people a meaningful normative say in matters that affect  
2 them (emancipation), and it aims to accord an equal normative say to equal  
3 people (equality). This, it is sometimes said, is a key part of what it takes to  
4 properly respect people's equal right to justification, their equal autonomy,  
5 their equal dignity, or their freedom and equality.<sup>1</sup> Accordingly, robustly public  
6 justification aims to not impose on anyone whom it respects accordingly views  
7 or decisions they can relevantly reject. Given its emancipatory and egalitarian  
8 commitments, then, it aims to be inclusive in scope and non-dogmatic in its  
9 starting points, methods of reasoning, or conclusions.

10 Many have doubted that there can be a form of public justification that is  
11 emancipatory and egalitarian in the right way and that genuinely justifies—  
12 while applying to the real world, outside ideal theory.<sup>2</sup> While I side with the  
13 aspirations of non-ideal robustly public justification, I will here add to these  
14 doubts. I will identify two problems that call into question whether robustly  
15 public justification is well aligned with emancipatory and egalitarian intuitions.  
16 Prior to resolving these problems, I shall submit, there may not be a form of  
17 non-ideal robustly public justification that suitably coheres with basic emanci-  
18 patory and egalitarian intuitions.

19 The first problem reflects the interdependence between the scope of public  
20 justification and what I call the 'purchase' of the discursive standing that such  
21 justification allocates. If this standing entails a strong normative say, or is rich in  
22 purchase—as would be desirable in light of emancipatory intuitions—then  
23 public justification may be unable to allocate such standing equally within a  
24 plausibly inclusive scope. But this runs up against egalitarian intuitions. The  
25 second problem reflects the complex nature of discursive equality in justificatory  
26 reciprocity. If public justification must allocate to people equal discursive  
27 standing—as many proponents of this kind of justification insist—the equality of  
28 that standing should be construed in terms that are purchase-sensitive (or so I  
29 shall suggest), but that nevertheless allow for purchase inequality. It is not clear  
30 what these terms are or how purchase inequality can sit with egalitarian intuitions.  
31 These are uneasy results for proponents of robustly public justification.<sup>3</sup>

32 My discussion proceeds as follows. Section 2 develops conceptual tools that  
33 I will use in discussing the two problems just referred to, including an account  
34 of dimensions of what I call 'discursive respect.' I then turn to a paradigm form  
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37 <sup>1</sup> See Forst (2015a), (2015b), (2011), and (2007) esp. pp. 13–42, 209–211; Rawls (2001),  
38 (2005); Macedo (1991), chapter 2; Larmore (1990) and (2015).

39 <sup>2</sup> Exemplary as a recent discussion of ideas of public justification is Enoch (2015).  
40 I will comment on Enoch below, in fn. 34.

41 <sup>3</sup> I suppose throughout that it would be good if robustly public justification coheres  
42 with emancipatory and egalitarian intuitions and accords to people an equal mean-  
43 ingful say in relevant moral or political matters. This supposition is not uncontested:  
44 see Arneson (2004), esp. p. 46f; Steinhoff (2015).

1 of public justification, i.e., the one advanced in Rawls-type political liberalism.  
 2 Section 3 identifies the kind of discursive standing that this kind of public just-  
 3 ification accords to its fully enfranchised participants: it allocates a strong,  
 4 constitutive form of discursive standing that is deep in the order of justifica-  
 5 tion, rich in discursive purchase, yet notoriously limited in scope. In light of  
 6 emancipatory and egalitarian intuitions, a standard response here is to argue  
 7 that liberal public justification should be more inclusive in scope. But can there  
 8 be a duly non-dogmatic, inclusive form of robustly public justification that sits  
 9 well with emancipatory and egalitarian intuitions? This prompts my discussion  
 10 of the two above problems. I attend to the first problem in Section 4, and dis-  
 11 cuss the second problem in Section 5.

## 12 **2. Robustly Public Justification and Discursive Standing**

13  
 14 Let me start with a generic notion of robustly public justification. I will first  
 15 consider publicness and then robustness.

16 Roughly, to say that  $\phi$  (e.g., a value judgement, principle, conception of  
 17 justice, etc.) is justifiable ‘publicly’ is to say that  $\phi$  is authoritatively (e.g., reason-  
 18 ably, rationally, coherently) acceptable by relevant people (e.g., actual or pos-  
 19 sible people, affected others, fellow citizens). Alternatively, it is to say that  $\phi$  is  
 20 justifiable by ‘public’ reasons, or reasons that are authoritatively acceptable by  
 21 relevant people. This ‘acceptability’ standard can take many different forms.  
 22 For example, there are positive and negative variants—we might require author-  
 23 itative acceptability, or authoritative non-rejectability. And, if ‘acceptability’ is  
 24 interpreted in thin modal terms, so as to count  $\phi$  as ‘acceptable’ by people  
 25 when it is *possible* that they accept  $\phi$ , the standard might amount to little more  
 26 than an O’Neill-type followability requirement.<sup>4</sup> Next, if the standard is applied  
 27 only to  $\phi$ , and not also to Betty’s and Paul’s reasons to accept  $\phi$ , it is compat-  
 28 ible with convergence requirements that allow  $\phi$  to count as publicly justifiable  
 29 even if Betty and Paul cannot agree at the level of their reasons to accept  $\phi$ .  
 30 Alternatively, the standard might apply also at the level of Betty’s and Paul’s  
 31 reasons to accept  $\phi$ , but not also to their views as to why their respective reasons  
 32 are good: this would allow for convergence at a deeper level of thought and  
 33 argument. Not least, the standard can be applied at different levels of thought,  
 34 argument, or decision making—as the example just provided already illustrates—  
 35 and it can be applied with varying scopes, or constituencies. For example, the  
 36 standard might seek acceptability by all or only some affected actual people,  
 37 or perhaps only by non-existent, ideal agents.

38 Less uncontested amongst theorists of public justification is robustness. I follow  
 39 Gerald J. Postema’s account of the notion. Robustness concerns the features  
 40 through which robustly public justification confers on its conclusion whatever  
 41 merit it confers on them. Robustly public justification takes it that the interpersonal  
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 44 <sup>4</sup> O’Neill (1996), pp. 51-59.

#### 4 Dialogue

1 authoritative acceptability of  $\phi$ , or reasons to accept  $\phi$ , confers, or is a key  
2 part of what confers, that merit—or that constitutes, or is a key part of what  
3 constitutes,  $\phi$ 's authority, validity, rightness, or reasonableness.<sup>5</sup> This makes  
4 robustly public justification intersubjective at heart and constructivist in a  
5 weak, justificatory sense.<sup>6</sup>

6 Of course, not all conceptions of public justification are robustly public in  
7 this sense. For example, public justification is sometimes understood as public  
8 in an extremely thin, promulgatory sense as justification-in-public, or as a  
9 matter of laying out for others the reasons that, by the speaker's light, justify  $\phi$ .  
10 Evidently, there is no implication here that these reasons, or their goodness, are  
11 subject to an interpersonal acceptability constraint. On a slightly more robust  
12 view, public justification is justification by reasons that are both good and sub-  
13 ject to a (weak) *publicity* constraint. On one recent view, for instance, to justify  
14  $\phi$  publicly is to justify  $\phi$  by a subset of good (or 'valid') reasons, namely, those  
15 good reasons that at the same time are such that relevant people could, at a rele-  
16 vant level of idealization, come around to grasping their goodness.<sup>7</sup> This, too,  
17 does not entail that the interpersonal acceptability of these (allegedly) good  
18 reasons is what constitutes, or even contributes to, their goodness. Robustly  
19 public justification goes beyond these weak senses of the publicness of public  
20 justification. Stephen Macedo, a first-generation political liberal, aptly captures  
21 robust publicness:

22  
23 At the most basic level, public justification has dual aims: it seeks reflective justi-  
24 fication (good reasons) but it also seeks reasons that can be widely seen to be good  
25 by persons such as they are. (...) [B]y pursuing [these aims] together we respect not  
26 only the goodness of good reasons, but also the freedom and equality of citizens  
27 whose capacity for reason is limited and who espouse widely divergent comprehensive  
28 views. *Indeed, the goodness of good reasons, for a public moral theory, becomes*  
29 *entirely a function of their capacity to gain widespread agreement among reasonable*  
30 *people moved by a desire for reasonable consensus.*<sup>8</sup>

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32  
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34 <sup>5</sup> See Postema (1995a) and (1995b).

35 <sup>6</sup> See Ronzoni (2010); Besch (2004), part I.

36 <sup>7</sup> Steven Wall advances a form of public justification that construes its publicness  
37 along such lines: see Wall (2016). Kevin Vallier, too, advances a publicity view of  
38 publicness. Roughly, for Vallier, Betty is justified 'publicly' in believing  $\phi$  if she  
39 believes  $\phi$  on the basis of reasons that relevant other people can recognize as reasons  
40 that, from Betty's perspective, justify her believing  $\phi$ . See Vallier (2015b), esp. p.  
41 603f. See also Vallier (2011), and (2015a). Such views are not my primary concern  
42 here, although some of the problems I address below apply to them, too—but this  
43 goes beyond what I can argue here.

44 <sup>8</sup> Macedo (1991), p. 46f. See also Rawls (2005), esp. lecture III. Emphasis is mine.

1 The last sentence makes the relevant point: robustly public justification is robustly  
2 public in the sense that it takes the goodness of good reasons to *entirely* be a  
3 function of their authoritative acceptability by relevant people. Arguably, first-  
4 generation political liberals like Macedo, Charles Larmore, and John Rawls,  
5 amongst others, take public justification to be robustly public in this sense.

6 Next, given its robustly public character, robustly public justification allo-  
7 cates a strong form of discursive standing to its fully enfranchised participants.  
8 To bring out what this standing is, let me assume that, where we are reasonable  
9 and others are concerned, we pursue at least two aims. First, we aim to act  
10 toward them on grounds, widely conceived, that are acceptable by them—that is,  
11 at least in principle, ideally, or given the (perhaps counterfactual) assumption  
12 that they look at things in the right way—thus, we accord them discursive  
13 standing. Second, however, we also aim to act toward them on grounds that,  
14 at least as far as we can tell, are good. This entails that reasonable people can  
15 accord others at least *two* kinds of discursive standing, depending on how they  
16 relate these two aims to one another.<sup>9</sup>

17 First, we might accord others *derivative* discursive standing. When we accord  
18 this standing, we aim to act toward others on grounds that are good and accept-  
19 able, but we take the acceptability of these grounds, or valuable forms of it,  
20 to derive from a proper appreciation of their goodness. Thus, we seek “ideal”  
21 unanimity (Thomas Nagel) or “normative” consent (David Estlund).<sup>10</sup> Second,  
22 we might accord others a stronger, *constitutive* form of discursive standing.  
23 Where we accord others this standing—or, as I shall also say, were we accord  
24 them discursive respect—we aim to act on grounds that are good and acceptable,  
25 but we take the goodness of these reasons to (at least partly) depend on, or be  
26 constituted by, their acceptability. As the last passage quoted above reflects,  
27 Rawls-type public justification allocates to its fully enfranchised participants  
28 standing of this second, stronger kind.

29 We can describe conceptions of robust public justification as allocations  
30 of discursive respect: they prescribe that some form of constitutive discursive  
31 standing be allocated to each fully enfranchised participant, and lesser dis-  
32 cursive standing, if any, to other people. As I argue in more detail elsewhere,  
33 allocation profiles of discursive respect can differ in various (interdependent,  
34 as we shall see later) dimensions, including what we might refer to as their  
35 ‘scope,’ ‘depth,’ and ‘discursive purchase’—we might call this the ‘matrix of  
36 discursive inclusion.’<sup>11</sup> The following provides a working notion of these  
37 three dimensions.

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40 <sup>9</sup> The discussion in this section follows the exposition of discursive respect and its  
41 dimensions in Besch (2014).

42 <sup>10</sup> See Nagel (1991), p. 33f; Estlund (2008), p. 10.

43 <sup>11</sup> For a specification of these dimensions and an account of their interdependence: see  
44 Besch (2014), and below.

## 6 Dialogue

1 To begin with scope, we ask questions about scope when we ask questions  
2 such as: ‘Who counts, or should count, as a fully enfranchised participant in  
3 public justification, or as a full member of its constituency?’ or ‘Who or what  
4 merits discursive respect?’. Questions about the scope of discursive are ques-  
5 tions about the range of actual or possible others to whom we accord, or should  
6 accord, constitutive discursive standing. Next, take depth. We ask questions  
7 about the depth of discursive respect when we ask, e.g., how fundamental in  
8 the order of justification the things are that (allegedly) depend for their authority  
9 on their (qualified) acceptability by (some) other, actual or possible people. For  
10 example, are these first-order practical reasons only? Do they also include more  
11 fundamental, general moral or political principles? Is an acceptability require-  
12 ment in some form applied even as a constitutive requirement of all practical  
13 reasoning, as some Kantian moral philosophers would have it?<sup>12</sup>

14 Especially relevant here is discursive purchase—an often-neglected dimen-  
15 sion of discursive respect that is rarely recognized as a relevant dimension of  
16 such respect in its own right. Often, it seems, purchase is construed as a mere  
17 function of the degree in which justification standards idealize, while its im-  
18 portance is seen as secondary to the importance of identifying suitable levels  
19 of idealization. It is true that idealization and purchase are tied together. As I  
20 argue elsewhere, high degrees of idealization entail low degrees of purchase,  
21 and high degrees of purchase require low degrees of idealization; it does not  
22 follow, though, that purchase is systematically secondary to idealization.<sup>13</sup> What  
23 we should take to be the systematic ordering between these things depends on  
24 the underlying aims of robust public justification—where some candidate aims  
25 favour high degrees of idealization, and others high degrees of purchase. But  
26 let me set this matter aside now, and treat purchase as a legitimate and relevant  
27 dimension of discursive respect. What I shall say suffices for my present  
28 purposes; for a more thorough picture, it is best seen in conjunction with  
29 what I say elsewhere.<sup>14</sup>

30 As I understand the notion, we consider the purchase of an agent’s discursive  
31 standing when we consider what degree of normative influence in relevant justi-  
32 fication practices this standing accords to that agent, given her actual delibera-  
33 tive resources, widely conceived (so as to include whatever views, volitions,  
34 skills, attitudes, capacities, and so on, she actually draws on in her practical  
35 reasoning). Purchase so construed is not a matter of the normative influence of  
36 non-actual, ideal agents in justification practices, nor is it a matter of the influ-  
37 ence of actual agents with idealized resources. Instead, it is a matter of the  
38 normative influence of actual agents, given their actual deliberative resources,  
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41 <sup>12</sup> For example, consider the status that Onora O’Neill accords to her “requirement of  
42 followability”: see O’Neill (1988), p. 716f, and (2000), chapter 1.

43 <sup>13</sup> See Besch (2017a).

44 <sup>14</sup> See *ibid.*; Besch (2014).

1 in relevant justification practices. In a sense, therefore, purchase helps to earth  
2 the normativity of justification: it helps to describe what normative distance  
3 there is, if any, between how actual agents actually go about their practical  
4 reasoning, and how they would have to go about their reasoning in order to do  
5 so in ways that relevant justification practices construe as authoritative. And,  
6 evidently, purchase is especially relevant in relation to emancipatory intuitions—  
7 assuming that emancipation (rightly or wrongly, for better or worse) requires  
8 that real people such as they are be accorded a meaningful level of normative  
9 influence in matters that affect them.

10 Discursive respect can take many forms that greatly vary in purchase.  
11 To see how, recall that such respect involves an aim of acting on ‘acceptable’  
12 grounds. When is  $\phi$  ‘acceptable’? Many modally different answers are possible.  
13 For example, consider:

- 14
- 15 (1) Paul accepts/does not reject  $\phi$ .
- 16 (2) Paul is not committed to reject  $\phi$  in light of his actual views and volitions.
- 17 (3) Paul would not reject  $\phi$  in light of views and volitions he would/could  
18 have if he was ideally reasonable/rational (as we define this).
- 19

20 Evidently, the purchase that discursive respect can have for its recipients will  
21 vary greatly depending on what we take acceptability to require. Take two extreme  
22 examples. First, consider, say, *actualist* discursive respect—a conception of  
23 discursive respect that takes it that proper ‘acceptability’ requires something  
24 like (1) or (2). On such a conception, Betty’s constitutive discursive standing  
25 can have a high degree of purchase. If Betty cannot now accept  $\phi$  coherently,  
26 given her actual views and volitions, this would count as showing that  $\phi$  is not  
27 suitably acceptable by her. This seems to give her a veto: her ‘no,’ it seems,  
28 counts for a ‘no.’ Contrast this with *counterfactualizing* discursive respect—or  
29 a conception of discursive respect that takes it that proper ‘acceptability’ requires  
30 something more like (3). On such a view, Betty’s discursive standing can have  
31 very little purchase. That she cannot now accept  $\phi$  coherently, or is committed  
32 to oppose  $\phi$ , might not count against  $\phi$  at all. For her rejection of  $\phi$  could be  
33 countered by the consideration that she would not reject  $\phi$  if she appreciated  
34 matters in a different, and, as *others* see it, more reasonable or rational light.  
35 Thus, Betty’s actual views and volitions here might become irrelevant: her ‘no’  
36 might not count for a ‘no.’

37 Actualist discursive respect gives greatest normative weight to the actual  
38 views and volitions of people, or their actual deliberative resources. Once we  
39 start to normatively qualify, constrain, or launder these views and volitions,  
40 their impact *decreases* and a gap opens between the actual acceptability and  
41 the normative acceptability of our grounds. This gap widens as these qualifica-  
42 tions become normatively more remote, or harder to meet, relative to people’s  
43 actual views and volitions, or their actual deliberative resources. And, as it widens,  
44 the normative influence of their actual views and volitions decreases—and with

1 this decreases the purchase of their discursive standing. Take again a coun-  
 2 terfactualizing view. My discursive respect for you can have fairly little sig-  
 3 nificance for you if you know that it allows me to take my reasons to be suitably  
 4 ‘acceptable’ by you even if the actual you, in light of your actual views and  
 5 volitions, could never actually accept them.

6 Two more remarks are in place. First, I index discursive purchase to an  
 7 agent’s *actual* deliberative resources. An alternative is to index it to the ideal  
 8 resources of ideal agents, or the idealized resources of actual agents. As will  
 9 emerge in Section 5, below, one reason to set aside these possibilities here is  
 10 this: a focus on actual deliberative resources helps to keep in view potentially  
 11 relevant forms of discursive inequality. Second, purchase and scope are linked:  
 12 constraints on the scope of public justification can often be translated into  
 13 purchase-determining qualifications of the sort of acceptability that public  
 14 justification seeks (and *vice versa*).<sup>15</sup> For example, if acceptability by reasonable  
 15 people justifies, what justifies is reasonable acceptability. Still, we should not  
 16 subsume purchase under scope (or *vice versa*). Purchase is useful in assess-  
 17 ing in what way, if any, non-ideal public justification accords to people equal  
 18 discursive standing (or so I claim). At any rate, it is relevant here as my focus  
 19 is on views of public justification that, in one way or other, aim at a “basic  
 20 structure of justification”<sup>16</sup> that make questions of equality and emancipation,  
 21 and with this of equal discursive purchase, relevant.

### 22 **3. Political Liberalism**

24 I now turn to Rawls’s political liberalism, or one reading of the idea of public  
 25 justification at its core. On this reading, which I call the ‘deep view,’ public  
 26 justification has a special position in the matrix of discursive inclusion. On the  
 27 deep view, public justification not only fully enfranchises *actual* reasonable  
 28 people, given their *actual* reasonable deliberative resources; it also accords  
 29 them discursive respect that is deep in political liberalism’s order of justifica-  
 30 tion, rich in discursive purchase, yet problematically limited in its scope of  
 31 inclusion. I will not here try to defend or even fully lay out the deep view, as  
 32 this would go beyond what can be done now—I do so elsewhere.<sup>17</sup> Thus, I will  
 33 employ it *heuristically*: it serves as one candidate view of the role of public  
 34 justification in political liberalism that situates one of the longest-standing,  
 35 recurrent concerns about the nature of that project. This is the concern that  
 36 some of political liberalism’s core commitments stand in need of a (public)

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39 <sup>15</sup> There are other ways in which scope and purchase are related. See Besch (2014),  
 40 and below.

41 <sup>16</sup> See Forst (2012), p. 262.

42 <sup>17</sup> I develop the deep view as an account of Rawls’s post-1985 views in Besch (1998)  
 43 and (2004)—the latter also extends the deep view to Macedo’s and Larmore’s variants  
 44 of political liberalism. See also Besch (2012), (2013), and (2017b).



1 justification that political liberalism seems unable to itself provide<sup>18</sup>—and this  
 2 in a way that renders political liberalism vulnerable to a charge of public  
 3 dogma (see below). What matters here is this problem (I shall later address  
 4 challenges faced by attempts to respond to it). Readers who prefer a different  
 5 reading of Rawls hence can set aside the specifics of the deep view, so long as  
 6 they grant that political liberalism, on *some* relevant reading, faces a problem  
 7 of that overall type.<sup>19</sup>

8 I start with the idea of a political liberalism. If a conception of justice,  $\phi$ ,  
 9 is a political liberalism,  $\phi$  is liberal in content and political both in its form of  
 10 justification and domain of application. If  $\phi$  is liberal in content,  $\phi$  allocates  
 11 to citizens basic rights and liberties of special priority, as well as all-purpose  
 12 means that help citizens to make use of these rights and liberties. If  $\phi$  is political  
 13 in form of justification, it does two things. It (i) adopts the *constructivist*  
 14 standard that reciprocal, equal acceptability by reasonable people justifies.  
 15 And, importantly, (ii) it attaches a *populist*<sup>20</sup> interpretation to that standard:  
 16 that is, it interprets the standard such that  $\phi$  fails to meet the standard, or fails  
 17 to qualify as reciprocally acceptable by reasonable people, already if  $\phi$  is the  
 18 *actual* subject of reasonable disagreement between these people (where reason-  
 19 able disagreement is defined as disagreement that can arise between reasonable  
 20 people).<sup>21</sup> (i) and (ii) are at the core of Rawls's political constructivism. And,  
 21 for some political liberals, they are at the heart of an idea of political justifica-  
 22 tion that fully respects reasonable people as free and equal.<sup>22</sup> Not least, if  $\phi$  is  
 23 political in its domain of application,  $\phi$  does two things.  $\phi$  regulates only the  
 24 basic structure of a given society, or its most important social, political, and  
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27 <sup>18</sup> For an early version of this concern: see Hampton (1989) and (1992); Campos (1994).

28 <sup>19</sup> It is worth adding that we may consider political liberalism in this context even  
 29 though its view of public justification does not *expressly* aim to serve the value of  
 30 *emancipation*. All we need is that this view sits well with emancipatory commitments.  
 31 And this it does (on the deep view). I take emancipation to require that real people  
 32 be accorded a meaningful level of normative influence in matters that affect them.  
 33 Public justification sits well with this commitment already if it accords to at least  
 34 some people constitutive discursive standing of high discursive purchase. And, on  
 35 the deep view, political liberals are (quite profoundly) committed to the view that  
 36 some people should have this standing—namely, reasonable people. See below and  
 37 the texts referenced in fn. 17, above.

38 <sup>20</sup> Gaus (1996), p. 130f.

39 <sup>21</sup> Rawls provides his criterion of the reasonableness of disagreement when he writes:  
 40 “Let’s say that reasonable disagreement is disagreement between reasonable persons.”  
 41 (Rawls 2005, p. 55)

42 <sup>22</sup> On the idea of respect that gives rise to political liberalism’s idea of public justification:  
 43 see the seminal Larmore (1990); Larmore (2015), esp. pp. 76-80; Macedo (1991),  
 44 chapter 2.

1 economic institutions, or its domain of the political. And  $\phi$  regulates this  
 2 domain exclusively in terms of ‘political values.’ Values are political only if  
 3 they exclusively apply to this domain. But such values must also be part of the  
 4 political tradition of the society under consideration. And, as Rawls focuses  
 5 on the United States and its democratic political tradition, he takes it that  
 6 political values favour liberal democracy.

7 As to the deep view of public justification, then, it contrasts with a more famil-  
 8 iar ideal theory view. On the ideal theory view, public justification is part of ideal  
 9 theory *only*, or supposes the context and normative resources of an ideal, well-  
 10 ordered society of the sort prescribed by Rawls’s theory of justice, *Justice as*  
 11 *Fairness* (JF). Ideal theory public justification thus includes within its scope only  
 12 the ideal reasonable citizens of an ideal, well-ordered society.<sup>23</sup> Now, the deep  
 13 view of public justification does not deny that Rawls makes use of an idea of  
 14 ideal theory public justification. But the deep view takes it that Rawls invokes an  
 15 idea of public justification also for other purposes, outside ideal theory.

16 Consider Rawls’s argument from overlapping consensus.<sup>24</sup> He argues that polit-  
 17 ical legitimacy is possible only if political power accords with a conception of  
 18 justice that can gain an overlapping consensus between the reasonable comprehen-  
 19 sive doctrines of reasonable people. This applies also here and now, outside ideal  
 20 theory. Now, a reasonable overlapping consensus matters for the purposes of legit-  
 21 imacy because a conception of justice, if it is *incompatible* with any one of the  
 22 reasonable doctrines that reasonable people endorse, would *not* be reciprocally  
 23 acceptable by these people. To ensure a reasonable overlapping consensus just is a  
 24 way to ensure reciprocal acceptability by the reasonable. Thus, political legitimacy  
 25 here and now requires reciprocal acceptability by the reasonable here and now.  
 26 Next, Rawls (notoriously) takes it that a conception of justice can gain an overlap-  
 27 ping consensus, or can meet the standard of reciprocal acceptability by the reason-  
 28 able, only if it avoids reasonable disagreement between reasonable people. Rawls  
 29 interprets this in *populist* terms: *actual* reasonable disagreement about  $\phi$  can count  
 30 as evidence that  $\phi$  is the subject of reasonable disagreement, and as such is not  
 31 reciprocally acceptable. Rawls also insists that only a political and liberal concep-  
 32 tion of justice, if any, avoids reasonable disagreement. And it is for this reasons that  
 33 he *here and now* (re)formulates JF as a political liberalism. Taken together, these  
 34 things suggest that reciprocal acceptability by reasonable people plays a funda-  
 35 mental role. It effectively serves as a standard of theory selection for the domain of  
 36 the political, as it states a condition any conception of justice (allegedly) must meet  
 37 in order to be suitable as a basis for a legitimate exercise of political power—and  
 38 this applies also *here and now*, outside ideal theory.

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41 <sup>23</sup> For a recent form of the ideal theory view, consider Jonathan Quong’s version of an  
 42 internal conception of political liberalism: see Quong (2011).

43 <sup>24</sup> The interpretation of the argument from overlapping consensus used here and  
 44 below follows Besch (1998), chapter III, and Besch (2004), part I.

1 To now bring in discursive respect: as anticipated above, Rawls-type public  
 2 justification allocates discursive respect that is (i) *deep* in the order of justifica-  
 3 tion, (ii) *rich* in discursive purchase, but (iii) notoriously *limited* in scope. The  
 4 discursive respect it allocates is deep since the standard of reciprocal accept-  
 5 ability by reasonable people effectively serves as a standard of theory-acceptance  
 6 for the domain of the political. It is rich in discursive purchase as Rawls inter-  
 7 prets this standard in populist terms: at least in some cases, the fact that reason-  
 8 able people actually reasonably disagree about  $\phi$ , given their actual reasonable  
 9 deliberative resources, counts as evidence that  $\phi$  is not reciprocally, equally accept-  
 10 able by all reasonable people. As to scope, public justification is highly limited in  
 11 scope. Only reasonable people are included in its scope on equal, fully enfran-  
 12 chised footing, and hence enjoy full constitutive discursive standing. *How*  
 13 limited in scope public justification thereby is depends on *how much* contested  
 14 normative content goes into the idea of the reasonable on which public justifica-  
 15 tion builds. As a rule of thumb, the more such content goes into this idea, the  
 16 more exclusionary public justification will be. Like others, I take it that this idea  
 17 is rich in contested normative content. Let me indicate why, on the deep view,  
 18 this often-voiced complaint is justified.

19 Recall that, for Rawls, political liberalism can avoid reasonable disagreement.  
 20 Yet the label ‘political liberalism’ does not refer to just any suitably acceptable  
 21 conception of justice, but to a conception that (i) is liberal in content, and (ii)  
 22 constructivist and populist in form of justification, and that (iii) exclusively  
 23 applies to the domain of the political, and that does so by (iv) containing polit-  
 24 ical values only. As legions of critics have observed, however, there is disagree-  
 25 ment about the merits of these requirements. Now, if Rawls construes these  
 26 disagreements as reasonable, he needs to concede that political liberalism is  
 27 not reciprocally acceptable by all reasonable people. Yet Rawls does not draw  
 28 this conclusion. He takes it that only a political liberalism, if anything, is *not*  
 29 the subject of reasonable disagreement. Arguably, then, he cannot construe  
 30 disagreement about (i)-(iv) as reasonable. And this is tantamount to building a  
 31 commitment to these requirements into the very idea of reasonableness on  
 32 which public justification builds.<sup>25</sup> By implication, Rawls needs to suppose,  
 33  
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35 <sup>25</sup> On this reading, what political liberalism defines into its idea of the reasonable—or,  
 36 as it employs various, systematically and substantively distinct ideas, the idea it treats  
 37 as *politically basic* (see Besch 2012 and Besch 1998, chapter IV)—is not a commit-  
 38 ment to *token* political value, *token* public reasons, or a *token* political conception of  
 39 justice. People who are reasonable in political liberalism’s sense can coherently dis-  
 40 agree about such tokens (provided other conditions are met). What political liberalism  
 41 defines into reasonableness is a commitment to (i)-(iv) (plus insularity, see below).  
 42 Thus, reasonableness entails a commitment to a *type* of values, a *type* of reasons, and  
 43 a *type* of conceptions of justice. Of course, this marks a critical reading of political  
 44 liberalism’s idea of reasonableness. Political liberals disagree with each other as to

1 as well, that reasonable people accept that reciprocal acceptability *by people*  
 2 *like them* justifies, and that public justification needs to include within its scope  
 3 *only people like them*. This makes political liberalism “insular.”<sup>26</sup>

4 The upshot: deep public justification here is justification between people  
 5 who endorse the defining requirements of political liberalism. A commitment  
 6 to these requirements is part of the doxastic bedrock that public justification  
 7 supposes, and that everyone included within its scope is expected to share.  
 8 But, again, in the actual world, outside JF’s ideal, well-ordered society of people  
 9 who are reasonable in political liberalism’s sense, there are many relevant people  
 10 who relevantly contest these requirements and who hence do not pass political  
 11 liberalism’s threshold tests of reasonableness.<sup>27</sup> This is why the complaint that  
 12 public justification here is exclusionary is justified. In fact, in light of the above  
 13 considerations, political liberalism looks like a stretch of public dogma.<sup>28</sup>

#### 14 **4. Scope-Purchase Interdependence**

15 What to make of this? Suppose we do not reject that a conception of justice, in  
 16 order to be able to here and now provide a basis for political legitimacy, must  
 17 here and now be justifiable in robustly public terms. A standard line of response,  
 18 then, is to opt for a more inclusive form of robustly public justification—one that  
 19 builds the standard of reciprocal, equal acceptability on thinner threshold tests of  
 20 reasonableness, if any, and that hence extends discursive standing of the strong,  
 21 constitutive kind to more people in moral or political matters that affect them.

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22  
 23  
 24  
 25 how thick in content their respective notions of reasonableness are; Larmore insists  
 26 that Rawls’s notion is much thicker than his own; Macedo insists that Larmore’s  
 27 notion is thicker than Larmore allows; Macedo alone readily concedes that ‘reason-  
 28 ableness’ is not thin in content. On my reading, their notions are thicker than even  
 29 Macedo concedes. See Larmore (2015), p. 74; Macedo (1991), p. 260f.

30 <sup>26</sup> Estlund (2008), p. 55f.

31 <sup>27</sup> Again, exemplary here: Enoch (2015), p. 121f.

32 <sup>28</sup> Political liberals try to alleviate this problem. For example, Rawls suggests the  
 33 reasonable address the unreasonable by arguing “from conjecture” (Rawls 2005,  
 34 p. 465f); Macedo proposes a second stage of public justification that “re-engages”  
 35 them (Macedo 1991, p. 61ff.), and Larmore suggests (amongst other things) that the  
 36 reasonable should consider not what the unreasonable actually can or cannot accept,  
 37 but what they would accept or reject if they were reasonable (Larmore 1996, p. 142).  
 38 Alas, none of this overcomes the problem: in each case, without due justification,  
 39 the ‘unreasonable’ are allocated lesser, second-class discursive standing. See Besch  
 40 (2012) and (2013). Larmore also offers a contextualist view of (personally) justified  
 41 belief that would entail that public dogma does not occur as no justification is owed  
 42 to the unreasonable in the first place. See Larmore (1996), parts I, III; Larmore  
 43 (2008), pp. 4f, 12; Larmore (2015), p. 71f. Yet this, too, does not overcome the  
 44 problem: see Besch (2004), part I; Besch (2012).

1 At first pass, this seems compelling especially in light of emancipatory and egalitarian intuitions. As Rawls notes, we regard ourselves as “self-authenticating sources of valid claims”<sup>29</sup>—but not only in relation to the claims we make on institutions in pursuit of conceptions of the good.<sup>30</sup> We desire to be recognized by others as having an entitlement to make claims on them in relation to what they see as good reasons, at least in matters that affect us. One important part of this recognition is that they regard our non-acceptance of what they see as good reasons as something that can call into question, or put in need of justification, the goodness of these reasons. It may or may not be the case that this desire can be met only if we are being accorded constitutive discursive standing of much purchase. But fully enfranchised inclusion in practices of robustly public justification evidently speaks to this desire. And, if a justification practice allocates this strong standing to anyone, it should allocate it equally to equal people. To say the least, not endorsing political liberalism’s defining requirements does not seem to make people *relevantly unequal*. If anyone is to have discursive standing that is rich in purchase, then not only people who are reasonable in political liberalism’s sense should have it.

18 In what follows, I assume that this line of response is plausible—other things being equal and assuming that a conception of political justice should be robustly publicly justifiable in the actual world, and not only in ideal theory. What I want to do now is to turn to the two problems referred to in the introduction. The first problem reflects the fact that the scope of robustly public justification and the purchase of the discursive standing that such justification can allocate are interdependent. The second problem reflects the complex nature of discursive equality in practices of justificatory reciprocity. Both problems call into question whether a more inclusive form of robustly public justification really can sit well with emancipatory and egalitarian intuitions. I shall now attend to the first problem.

29 Let me suppose that fully enfranchised discursive inclusion is an important good. Still, we will need to balance this good against other, perhaps no less important goods when it comes into competition with them. And this it does: if discursive respect is rich in purchase, robustly public justification is a mixed blessing. The more inclusive in scope public justification is, the more doctrinal diversity is included in its scope—at least in the real world, outside ideal theory. But the richer in purchase the discursive standing is that each fully enfranchised person enjoys within practices of robustly public justification, the stronger is the normative impact of this diversity on what these practices

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41 <sup>29</sup> See Rawls (2001), p. 23.

42 <sup>30</sup> This is aligned with the views of the earlier Rawls, who sees the self-conception as a self-authenticating source of valid claims as part of people’s self-conception as moral (rather than only political) agents: see Rawls (1980), p. 543f.

1 may count as suitably acceptable, or justifiable. Thus, there is *scope-purchase*  
 2 *interdependence*:

3  
 4 SP Given inclusive scope: the more purchase discursive standing has, the less  
 5 normative content, such as political principles or value judgements, can qualify  
 6 as equally acceptable by all relevant others.<sup>31</sup>

7  
 8 For example, suppose liberal political principles must be equally acceptable by  
 9 relevant citizens, while we read the phrase ‘equal acceptability’ in high-purchase,  
 10 actualist terms: say, we count  $\phi$  as ‘equally acceptable’ by others only if  $\phi$  can  
 11 coherently be accepted by them in light of their actual views and volitions.  
 12 Plainly, then, liberal principles—or, by extension of argument, any other, mor-  
 13 ally interesting normative principles—cannot pass such an actualist threshold  
 14 if the group of relevant citizens includes people whose moral, political, ethical,  
 15 or other outlooks are inconsistent with them (and there almost always are such  
 16 people). The point generalizes: the interdependence of scope and purchase can  
 17 have problematic implications at any level of argument at which a standard of  
 18 reciprocal acceptability applies as a standard of justification. It hence can have  
 19 these implications also in relation to the justification status of the commitment to  
 20 robustly public justification, or of the view that discursive respect is important—  
 21 namely, if these things must be justified by the standard of reciprocal acceptability.

22 As has often been noted, then, inclusive robustly public justification is at  
 23 risk of being both self-defeating and unable to secure substantively plausible  
 24 results<sup>32</sup>—that is, so long as it accords discursive standing that is rich in  
 25 purchase. This leaves robustly public justification (RPJ) with several options:

- 26  
 27 (i) RPJ exempts from the requirement of reciprocal acceptability all normative  
 28 content that no relevant person should reject (whatever content this is, but  
 29 assuming it includes values that commit to RPJ and discursive respect).  
 30 (ii) RPJ accords high-purchase discursive standing exclusively to people who  
 31 do not reject normative content that no relevant person should reject.

32  
 33 If robustly public justification accords to people the kind of standing that (ii)  
 34 refers to, it accords them a standing such that, if they cannot coherently accept  $\phi$   
 35 in light of their actual views and volitions (given basic criticality and reason-  
 36 ability), this counts as evidence that  $\phi$  is not suitably acceptable by them. A third  
 37 option, then, is to reject an actualist notion of discursive standing altogether and  
 38 to premise robustly public justification on counterfactualizing discursive standing  
 39 (David Enoch loosely refers to this as a variety of ‘idealization’).<sup>33</sup>

40  
 41  
 42 <sup>31</sup> The idea of a scope-purchase interdependence is developed further in Besch (2014).

43 <sup>32</sup> Exemplary here: Enoch (2015), esp. p. 117f.

44 <sup>33</sup> Ibid. See also next footnote.

1 (iii) In examining  $\phi$ 's public justifiability, RPJ examines whether relevant  
2 people can (could, would) suitably accept  $\phi$  *provided* they do not reject  
3 normative content that no relevant person should reject.  
4

5 For example, suppose we want to protect  $\phi$  from likely opposition, and so decree  
6 that  $\phi$  is reciprocally acceptable by people if  $\phi$  is such that relevant people  
7 would not reject  $\phi$  if they were reasonable—where reasonableness is then  
8 defined in terms that are suitably geared toward the non-rejection of  $\phi$ . Thus, if  
9 Betty-when-‘reasonable’ would not reject  $\phi$ , then actual Betty’s actual inability  
10 to coherently accept  $\phi$  would not count as evidence against  $\phi$ 's reciprocal accept-  
11 ability (rather, it would count as evidence of Betty’s unreasonableness).

12 It is not clear what these three options would amount to in practice. But  
13 none seems desirable from an emancipatory and egalitarian point of view.  
14 Prior to further argument, the second option abandons the idea of *equal* discurs-  
15 ive respect within inclusive scopes. And prior to further argument, the third  
16 option hollows out discursive respect and with it the emancipatory value of  
17 robustness in public justification: what worth and use, if any, can Betty’s con-  
18 stitutive discursive standing have for her if  $\phi$  counts as ‘equally acceptable’  
19 by her even if she cannot accept  $\phi$  coherently in light of her actual views and  
20 volitions (given basic criticality and reasonability)? Not least, all three options  
21 call for an odd kind of government-house public justification: a practice of  
22 public justification the terms of which are from the outset tailored to insulate  
23 and protect pre-selected moral, political, or other content from likely opposition.  
24 And so long as we lack reassurance that this content really is such that no rele-  
25 vant person should reject it—rather than content that, say, reflects the parochial  
26 convictions of some dominant group or other—this seems to return us to a  
27 variant of public dogma.

28 The first problem, then, is this. In light of emancipatory and egalitarian intu-  
29 itions, robustly public justification should allocate to people equal discursive  
30 respect that is inclusive in scope and meaningfully rich in purchase. But  
31 robustly public justification seems unable to do so while ensuring plausible  
32 conclusions and avoiding self-defeat. At any rate, it seems that if such justifi-  
33 cation must both be inclusive in scope and allocate high-purchase discurs-  
34 ive standing, it has to custom-tailor its agenda or abandon its commitment  
35 to equal discursive standing.<sup>34</sup>  
36

37  
38 <sup>34</sup> A note on Enoch (2015) is in place. He argues that public reason liberalism—his  
39 main target is Rawls-type political liberalism—responds to the presence of unrea-  
40 sonable people by adopting idealization strategies that fail “the test for when ideal-  
41 ization is an acceptable philosophical move” (ibid., p. 118) as they are not suitably  
42 supported by political liberalism’s underlying aims, and specifically the aim to respect  
43 the freedom and equality of citizens. Enoch’s focus is on two such strategies: the  
44 “exclusion” of the unreasonable from public justification, and “going hypothetical,”

## 5. Reciprocity and Discursive Purchase

To now turn to the second problem, let me slightly shift the focus. Justification by a standard of reciprocal acceptability—or justificatory reciprocity, or “reciprocity of reasons”<sup>35</sup>—seems egalitarian at heart. In requiring reciprocal, *equal* acceptability of the views it applies to, the standard seems to call for justification practices that accord *equal* discursive standing to their fully enfranchised participants—even if this standing is being accorded only within limited scopes and with respect to limited agendas. Yet it is not clear in what way this standing really is ‘equal.’ I will now elaborate on aspects of the issue that have to do with the purchase of discursive standing.

To begin with, two assumptions should be put into place. The first is this: in a justificatory capacity, a standard of reciprocal, equal acceptability cannot require just any kind of equal acceptability. It must require equal *authoritative* acceptability. For example, equally incoherent, ill-informed, or unreasonable acceptance cannot positively contribute to the justification status of a view (or its validity, correctness, or reasonableness), nor can similarly deficient rejections negatively contribute to it. The need for authoritativeness constrains complicates matters. For it entails that the question of whether some view,  $\varphi$ , is equally acceptable by relevant people must be crossed with considerations

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which roughly is a species of option (iii), above (ibid., 120-130). Yet, insofar as he targets Rawls-type political liberalism, Enoch’s criticism misfires. True, political liberalism does not include the unreasonable on fully enfranchised footing within the scope of public justification. And, yes, it goes hypothetical at least in relation to the *unreasonable*. For example, Larmore stresses that political liberalism considers the interests or views of the unreasonable by imagining what they would accept or reject if they were reasonable (Larmore 1996, p. 142). But this *is* supported by political liberalism’s aims. For, *from the outset*, political liberalism aims to respect as free and equal not all citizens, but only *reasonable* people. And, *from the outset*, it fully includes in public justification only people it respects as free and equal, i.e., *reasonable* people. As Macedo puts it, political liberals “respect as free and equal moral beings all those who pass certain threshold tests of reasonableness: we respect those whose disagreement with us does not impugn their reasonableness” (Macedo 1991, p. 47). Thus, political liberals do not aim to equally include the unreasonable *to begin with*. Note that this does not commit them to an ideal theory view of public justification. Instead, they can adopt the deep view of public justification (see above). Enoch’s objection hence builds on an inadequate reading of public reason liberalism. The problem is not that political liberalism deploys idealizations that are not supported by its underlying aims. Rather, the problem is that it is vulnerable to a charge of public dogma—while attempts to fix this problem while keeping a commitment to robustly public justification in place seem to run into the difficulties discussed above.

<sup>35</sup> See Forst (2010), p. 719.



1 as to whether meeting the underlying authoritativeness constraint is suitably  
2 available to them. (Given my present context, I shall often put things in terms  
3 of a reasonableness threshold.)

4 A second, initially plausible assumption is this: the ‘equal’ discursive standing  
5 that practices of justificatory reciprocity allocate should be equal not just in  
6 some abstract sense, but concretely in terms of its *discursive purchase*. Consider  
7 a justification practice, JP1, that allocates to Betty and Paul constitutive discursive  
8 standing, and hence discursive standing of the same abstract kind, but  
9 applies to them different thresholds of authoritativeness such that their discursive  
10 standing has unequal purchase. Say, Paul enjoys actualist discursive respect  
11 such that, if Paul cannot accept  $\phi$  in light of his actual views and volitions, the  
12 practice recognizes this as counting against  $\phi$ , or as showing that  $\phi$  fails to be  
13 suitably acceptable by Paul. Yet Betty is being accorded counterfactualizing  
14 discursive respect such that, if she cannot accept  $\phi$  in light of her actual  
15 views and volitions, this is not recognized as counting against  $\phi$ , but as counting  
16 against her—say, it is counted as evidence that she is insufficiently reasonable,  
17 rational, right-minded, and so forth. Surely, this would instantiate relevant  
18 discursive inequality: Paul has a veto, but Betty does not. Their discursive  
19 standing is equal in abstract kind, and so is *up to a point* equal, but it is relevantly  
20 unequal in purchase. (We shall see below that this assumption, despite  
21 its appeal, is problematic.)

22 These two assumptions suggest that the standard of justificatory reciprocity  
23 calls for justification practices that do two things (amongst many others): they  
24 apply authoritativeness constraints—or, given my focus: some reasonableness  
25 threshold—to the members of their constituency, or their deliberative behaviour,  
26 while simultaneously according them discursive standing of equal discursive  
27 purchase. However, real-life justification practices may not be able to do both,  
28 or be known to do both.

29 Consider another justification practice, JP2, that adopts a counterfactualizing  
30 conception of discursive respect and applies it consistently to all participants:  
31 say, one that defines deliberations, objections, acceptances, rejections, and so  
32 on, as authoritative, or as counting toward the justification status of views, only  
33 to the extent that they are reasonable—while it construes reasonableness in  
34 normatively demanding terms. And suppose that these terms are demanding  
35 enough to make it relevantly harder for some participants than others to count  
36 as ‘reasonable’—or to register ‘reasonable’ objections, rejections, acceptances,  
37 and so forth. Say, Outstanding Betty meets these terms with ease so that her  
38 voice usually counts as reasonable anyway, while Limited Paul, given his  
39 limited deliberative resources, does not meet them with ease so that his voice  
40 usually counts as reasonable only after his views and volitions have undergone  
41 (sometimes even considerable) second guessing, filtering, laundering, or revisions.  
42 I take it that Betty and Paul here have standing of unequal purchase. But  
43 this purchase differential is now not owed to the fact that actualist discursive  
44 respect is applied to one but not the other. It is owed to the fact that Betty and

1 Paul bring different resources to the task: given her superior resources, Betty  
2 qualifies as more ‘reasonable’ than Paul.

3 The contrast between JP1 and JP2 suggests a distinction between *formal*  
4 and *substantive* equality of discursive standing. Let me take it that a justifi-  
5 cation practice accords to relevant people discursive standing that is formally  
6 equal only if (i) it accords them discursive standing of the same abstract type  
7 (e.g., constitutive discursive standing), and (ii) applies to each the same  
8 threshold of authoritative acceptability. A justification practice accords to  
9 people discursive standing that is substantively equal, however, only if their  
10 respective discursive standing has equal discursive purchase. Thus, JP1 seems  
11 further removed from the egalitarian commitments of justificatory reciprocity  
12 than JP2: JP1 accords to Betty and Paul discursive standing of the same abstract  
13 kind, but that standing is neither formally nor substantively equal. By contrast,  
14 JP2 accords them discursive standing that is formally equal, although it is not  
15 also substantively equal.

16 Alas, purchase differentials that result from resource differentials are unavoid-  
17 able in any form of larger-scale real-life public justification. Who counts as an  
18 Outstanding Betty or a Limited Paul in a given practice of public justification  
19 depends on how the practice defines reasonableness (assuming it adopts some  
20 reasonableness threshold), but it also depends on what deliberative resources  
21 people bring to the task of public reasoning. And there always are differences  
22 between our deliberative resources—or whatever capacities, skills, commit-  
23 ments, attitudes, views, volitions, and so on, our practical reasoning draws on.  
24 People’s deliberative resources are unlikely to fall below some baseline that  
25 comes with intelligent agency. But it is equally plain that their resources often  
26 vary greatly in ways that affect how readily available it is for them to count as  
27 ‘reasonable’—especially when ‘reasonableness’ is taken to require not just  
28 basic criticality and reasonability, but, say, substantive commitments not every-  
29 one shares anyway. And we usually do not know just how readily available this  
30 is for them at least when distant strangers are concerned—if only because we  
31 do not know just what their deliberative resources are. Thus: if the standard  
32 of justificatory reciprocity calls for justification practices that allocate sub-  
33 stantively equal discursive standing, we would not know when our attempts  
34 at justificatory reciprocity succeed where large and diverse, society-scale groups  
35 are concerned. But such just are the constituencies of the standard in its alleged  
36 main role as a standard of moral or political justification. If the standard is to  
37 be a serious candidate for this role, then something must give way.

38 This point is less trivial than it might seem at first sight. It suggests we reject  
39 a maximalist conception of justificatory reciprocity—call it ‘deep reciprocity’:  
40

41 DR  $\phi$  is acceptable equally (or reciprocally) by Betty and Paul if and only if (i)  
42 Betty and Paul can each accept  $\phi$  reasonably and (ii) meeting the threshold  
43 of reasonableness is an option *equally available* to both, given their actual  
44 deliberative resources.

1 Deep reciprocity requires not simply that justification practices allocate discursive standing that is equal in some purchase-sensitive way. Rather, it requires  
2 substantive equality. This may have intuitive appeal. As we have just seen,  
3 however, it would push justificatory reciprocity out of its alleged main role.  
4 As we do not know with relevant specificity what the deliberative resources  
5 of relevant people are, we would rarely, if ever, be able to tell whether a given  
6 reasonableness threshold is suitably available by all relevant people. In the  
7 world as we know it, then, we have reasons to set aside DR.

9 We should not fall into the opposite extreme and opt for a purchase-*insensitive*,  
10 minimalist conception of justificatory reciprocity—call it ‘nominal reciprocity’:  
11

12 NR  $\phi$  is acceptable equally (or reciprocally) by Betty and Paul if and only if Betty  
13 and Paul can each accept  $\phi$  reasonably.  
14

15 Nominal reciprocity is consistent with objectionable forms of discursive inequality.  
16 Consider a justification practice, JP3, which accords to all relevant people discursive  
17 standing of the same abstract type and applies to all relevant people the same  
18 reasonableness threshold. But JP3 defines that threshold in terms that give trumping  
19 weight to moral conceptions, C, that members of Dominant Group typically  
20 endorse, and members of Marginal Group typically reject. Say, JP3 counts accep-  
21 tances, or rejections, as authoritative, or reasonable, only if they cohere with C.  
22 JP3 instantiates formal equality. Yet this would merely mask that JP3 gives full  
23 discursive standing only to members of Dominant Group—thus cementing their  
24 dominating influence at the level of practices of reason giving. It hence seems  
25 that NR would not provide a plausible conception of justificatory reciprocity.

26 If NR is unsuitable, a more familiar conception of justificatory reciprocity is  
27 not quite suitable either—call it ‘strong reciprocity’:  
28

29 SR  $\phi$  is acceptable equally (or reciprocally) by Betty and Paul if and only if (i) Betty  
30 and Paul can each accept  $\phi$  reasonably, given (ii) a threshold of reasonableness  
31 that is *equally acceptable* by them.<sup>36</sup>  
32

33 Strong reciprocity leads us back to the problem of nominal reciprocity, albeit  
34 at a deeper level of thought. For when are reasonableness thresholds equally  
35 acceptable by Betty and Paul? Surely, what matters is not their equal brute  
36 acceptability, but their equal *authoritative* acceptability. Yet that Betty and  
37 Paul can accept some reasonableness threshold ‘authoritatively’ does not  
38 mean that this is an option equally open to both. Thus, SR, too, can mask  
39 relevant discursive inequality.  
40

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41  
42 <sup>36</sup> This is akin to Bruce W. Brower’s view of public reasoning as reasoning by a  
43 standard of equal rational acceptability given a standard of rationality that is  
44 ‘equally acceptable’ by all relevant others. See Brower (1994).

1 The second challenge, then, is to specify the nature of discursive equality in  
 2 justificatory reciprocity in a way that maintains purchase-sensitivity, but that does  
 3 not push the standard of justificatory reciprocity out of its alleged main role. The  
 4 above suggests that a conception of justificatory reciprocity must be located in the  
 5 normative space *between* deep reciprocity and nominal reciprocity. If purchase-  
 6 sensitivity matters—as it seems to, not least given emancipatory intuitions—we  
 7 should reject purchase-insensitive conceptions of justificatory reciprocity such as  
 8 nominal reciprocity and with it, I suggested, strong reciprocity. However, purchase-  
 9 sensitivity cannot take the maximalist form of deep reciprocity. The standard of  
 10 justificatory reciprocity is a viable candidate for the role of a standard of robustly  
 11 public justification only if either (i) it does not after all require discursive standing  
 12 to be equal, or (ii) discursive standing can count as equal even when it is *unequal*  
 13 in purchase. This is an uneasy result. If we set aside (i)—given egalitarian  
 14 intuitions—then if equal discursive standing is not (also) a matter of discursive  
 15 standing that is equal in purchase, what is it a matter of? How much *purchase*  
 16 *inequality* is compatible with justificatory reciprocity? How much is permissible,  
 17 or justifiable? The target of these questions is not the importance of discursive  
 18 equality, but the view that justificatory reciprocity is a natural ally of egalitari-  
 19 anism at the level of discursive inclusion. For it is not clear what kind of discurs-  
 20 ive equality, if any, justificatory reciprocity can require.<sup>37</sup>

21 Let me add one more point. One manoeuvre that is possible here surfaced  
 22 earlier: we might index the purchase of an agent's discursive standing not to  
 23  
 24

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25 <sup>37</sup> As an anonymous reviewer notes, purchase differentials that arise through differences  
 26 in deliberative resources might sometimes be permissible. In fact, some *must* be per-  
 27 missible if discursive equality is purchase sensitive and a standard of justificatory  
 28 reciprocity is to be a serious candidate for the role of a standard of justification. When  
 29 are purchase inequalities permissible? It is hard to tell: many initially plausible, but  
 30 potentially conflicting, permissibility constraints are conceivable. To sample just two,  
 31 consider a justification practice, JP4, which sets its bar for authoritativeness  $\psi$  such  
 32 that it counts discursive input about a given subject matter, S, as authoritative only if  
 33 this input demonstrates special expertise about S. Now consider *Best Results* (BR):  
 34 purchase inequalities that arise from JP's adoption of  $\psi$  are permissible only if JP is  
 35 more likely to recognize discursive input as authoritative that JP *should* recognize as  
 36 such when it adopts  $\psi$ , than when it does not adopt  $\psi$  (as assessed on JP-independent  
 37 grounds). In light of BR, at least some of JP4's purchase differentials might be per-  
 38 missible. Yet factor in that JP4's participants might relate to each other in ways that  
 39 constitute relevant recognitive improprieties, e.g., social biases, identity prejudices,  
 40 or Fricker-type hermeneutic injustices, widely conceived so as to not be limited to  
 41 epistemic, strictly truth-related pursuits (see Fricker 2007, esp. pp. 152-169). Thus,  
 42 take *Impropriety Prohibited* (IP): purchase differentials within JP are permissible only  
 43 if they do *not* result from recognitive impropriety (as defined by a JP-independent  
 44 standard). IP might prohibit the very purchase differentials that BR permits if, say,

1 the actual deliberative resources of that actual agent, but construe purchase in  
2 idealized or normalized terms. For example, we might index it to the recourses  
3 that the agent should have, or would have after relevant improvement; or to  
4 ideal resources of ideal agents; or to average resources or minimal resources—  
5 amongst other possibilities. Purchase may need to be construed in such terms  
6 if we want to maintain (i) that the standard of justificatory reciprocity is viable  
7 as a standard of public justification and (ii) that the standard in that role calls  
8 for discursive standing that is equal in purchase. After all, idealization and  
9 normalization enable us to identify discursive standing as ‘equal’ in purchase  
10 even when it is relevantly unequal in actual purchase. However, this is a spurious  
11 achievement. If discursive standing that is equal in idealized or normalized  
12 purchase can be relevantly unequal in real purchase, equality of idealized or  
13 normalized purchase can still mask relevant discursive inequality. And so the  
14 question still is how much (actual) purchase inequality is compatible with  
15 justificatory reciprocity, and how much is permissible or justifiable.

## 16 **6. Conclusion**

17  
18 To conclude, there can be different conceptions of justificatory reciprocity,  
19 depending on how we calibrate the standard of reciprocal acceptability, or  
20 the discursive respect it allocates, in the dimensions of depth, scope, and  
21 purchase. Political liberalism’s variant of justificatory reciprocity has high  
22 values in the dimensions of depth and purchase, but an implausibly low value  
23 in the dimension of scope. For political liberalism, robustly public justification  
24 fully enfranchises reasonable people only, while people count as reasonable  
25 only if they share political liberalism’s defining commitments. This invites  
26 the charge of public dogma.

27 One response to this is to opt for a more inclusive form of robustly public  
28 justification. I drew out two problems that an inclusive conception of robustly  
29 public justification faces. On the one hand, it needs to calibrate robustly public  
30 justification in the above dimensions in such a way that it is plausibly inclusive  
31 in scope and rich in discursive standing, while ensuring plausible conclusions  
32 and avoiding self-defeat—without public dogma. On the other hand, it needs

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33  
34  
35 it relevantly misrecognizes some JP4-relevant people to discount their discursive  
36 input just because it does not instantiate whatever BR defines as ‘special expertise.’  
37 As this illustrates, there can be, and are, many competing considerations that bear on  
38 the permissibility of purchase inequality. It is open how best to systematize them; and  
39 it is open what permissibility constraints on purchase inequality we should adopt.  
40 A more systematic treatment of the matter calls for an *ethic of discursive purchase*—  
41 which is beyond the scope of my current discussion. At any rate: once we construe of  
42 justificatory reciprocity in non-ideal terms and accept that discursive equality is pur-  
43 chase sensitive, questions about the permissibility of purchase inequality multiply—  
44 bringing this out was part of the point of this section.

1 to conceptualize discursive equality in purchase-sensitive terms without  
 2 pushing the standard of justificatory reciprocity out of its alleged main role.  
 3 Both problems go to the heart of justificatory reciprocity, or its normative  
 4 grammar. And both are difficult to overcome. If there are no widely shareable  
 5 ways to overcome them, there is no form of robustly public justification that  
 6 we can with good confidence claim to be inclusive, non-dogmatic, and eman-  
 7 cipatory and egalitarian in the right way.

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