

On Political Legitimacy, Reasonableness, and Perfectionism

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Abstract: The paper advances a non-orthodox reading of political liberalism's view of political legitimacy, the view of public political justification that comes with it, and the idea of the reasonable at the heart of these views. Political liberalism entails that full discursive standing should be accorded only to people who are reasonable in a substantive sense. As the paper argues, this renders political liberalism dogmatic and exclusivist at the level of arguments for or against normative theories of justice. Against that background, the paper considers aspects of a more plausible, deeper and more inclusive idea of public political justification that builds on a thinner, potentially cosmopolitan idea of the reasonable. The paper considers what content such an idea may have, and identifies a method of inclusive abstraction through which it may be enriched in content to render it fruitful for the purposes of a justification of principles of political justice. But the move toward more depth and inclusiveness faces constructivism with two challenges. First, inclusivism about the scope of political justification might not be able to avoid dogmatism unless it invokes perfectionist considerations. And second, the authority and appeal of a fruitfully rich idea of the reasonable depends on whether the addressees of political justification already value wide acceptability.

Key words: Rawls, O'Neill, Macedo, Larmore, political liberalism, legitimacy, public justification, reasonableness, discursive respect, perfectionism, cosmopolitanism, abstraction.

I.

Political liberals,¹ it has often been observed, tie political legitimacy to an idea of the reasonable. To be legitimate, they argue, political power must be exercised in accordance with political principles that rest on publicly justifiable grounds. Public justification, in turn, respects reasonable disagreement, regards reasonable acceptability as justificatory, and includes in its scope, or constituency, reasonable people. The idea of the reasonable is key, as well, for a host of related themes at the core of political liberalism – such as the inclusiveness of public justification and public reason, the scope of toleration, the nature of equal respect, the grounds for a distinctively 'political' approach to political justice, as well as the relationship between political constructivism and perfectionism. It remains contentious, though, just what content and role this idea has, and should have – and, more fundamentally, how we may determine in the place what idea of the reasonable, if any, a liberal view of political legitimacy and public justification may be built on. The following discussion addresses this complex theme; it pursues to main aims. First, I shall outline an unorthodox reading of the role of public political justification in political liberalism that brings out the higher-order, *meta-theoretical* nature of political liberalism's appeal to public justification and reasonableness. Second, I shall suggest a modification of political

[1] While John Rawls's views will often be in the foreground in what follows, I will not equate political liberalism with his post-1985 views; instead, I will refer to it as a family of views on justice, justification, reasonableness, and related issues as advanced in writings such as Rawls 1993, 2001; Larmore 1987, 1996; Macedo 1991. On generic features of political liberalism, see below, and Besch 1998, 2004, 2012.

liberalism's view of political justification that allows us to more plausibly determine, in ways aligned with a more inclusive, cosmopolitan view of the scope of a strong form of equal respect, what idea of the reasonable public political justification may start from.

Sections II-IV address political liberalism's ideas of political legitimacy and public justification, identify the role these ideas accord to reasonableness, and advance a view of the content of the idea of the reasonable employed here. Political liberals, I argue, reconcile their stand on matters of theory-acceptance in the domain of the political – a stand that gives rise to their distinctively 'political' approach to political justice in the first place – with their own, more substantive commitments by supposing an idea of the reasonable that is rich in content (and richer than has often been seen). Like other critics, I argue that political liberalism seems both dogmatic and unacceptably exclusivist. On this basis, the second, constructive part of my discussion engages two issues. We may try to avoid dogmatic exclusivism while retaining much of political liberalism's view of political justification by building this view on a more inclusive idea of the reasonable. However, first, prior the adoption of a more inclusive idea of the reasonable as politically basic, we need to determine within what scope such ideas need to be acceptable in order to merit this status. Section V suggests that such an idea should be acceptable within a potentially cosmopolitan scope, but suggests, as well, that this conception of inclusivism needs to be defended on non-constructivist, *perfectionist* grounds. On this view, a suitably inclusive, politically basic idea of the reasonable would build a perfectionist defense of the good of discursive respect. (I elaborate on the form discursive respect and relate it to other kinds of moral consideration in section III.)

The second theme is this. There simply might not be an idea of the reasonable that is thin enough in content to be duly inclusive while still being rich enough to suit the purposes of a justification of liberal principles. This problem is especially pressing if we take it that the justification of such principles may not proceed from justifiers that are the subject of reasonable disagreement. Section IV, then, identifies self-suggesting elements of a suitably thin and inclusive idea of the reasonable, and considers a method of O'Neill-type 'inclusive abstraction' through which such an idea might be enriched in content without sacrificing inclusiveness. What will emerge from here are the structural contours of a view of public political justification that salvages aspects of political liberalism's views of political legitimacy and public justification that many find plausible while avoiding some of the problems of these views, and that helps to locate the foundational contribution that perfectionism can make to a defense of an inclusivist view of public justification.

II.

A good starting point is Rawls's "liberal principle of legitimacy."

LPL The exercise of political power "is proper and hence justifiable" only if it is exercised in accordance with a constitution the essential content of which can be endorsed in the light of reasonably acceptable political principles. (Rawls 1993, 217)

To fix ideas, let us note in what sense of the notion LPL expresses a *liberal* principle. On one usage of the term, a theory of justice is a “liberal” theory if it prescribes that people be accorded certain basic rights, liberties, and opportunities of special priority, as well as suitable means to make use of these things. We may call this a *substantive* sense of the idea of liberalism.² LPL is a liberal principle not in this substantive sense of the notion. It is a liberal principle in a different, *legitimacy-theoretical* and *justificatory* sense of the notion. This sense is captured by Waldron when he says that the “fundamentally liberal” idea is that “a social and political order is illegitimate unless it is rooted in the consent of all those who have to live under it”. (Waldron 1987, 140) LPL adapts the idea of liberalism as legitimacy-qua-acceptability to the institutional profile of a constitutional regime, while simultaneously tying it to an acceptability-based, inter-subjective idea of public justification – to which I shall turn shortly.³

Let us observe, as well, that even though LPL at first sight seems to express a merely applicative view of legitimacy – i.e., a view that supposes principles of political justice and merely regulates how justice as specified by those principles is to be administered – LPL’s role is more complex than this. True, LPL can be fulfilled fully only if suitably justifiable political principles are at hand. Placed in its systematic context, however, LPL in effect integrates a view of the moral permissibility of exercises of political power with a higher-order view of the justificatory requirements that a reasonable theory of political justice must meet in the first place in order to be such that its political principles may govern the exercise of such power. LPL, then, is not properly an applicative view of legitimacy; it plays a more fundamental role. This becomes clearer once we consider what sort of justification LPL calls for, to which I shall now turn.

According to LPL, exercises of political power must be justifiable at least at two levels: they must be justifiable by the light of constitutional principles (level 1) that are justifiable by the light of reasonably acceptable political principles (level 2). What principles are reasonably acceptable? And on what grounds may we take them to have that quality? This brings in a third level of justification. Political principles, seen as a subset of moral principles, may come in at the second level only if they can be shown to be reasonably acceptable by a theory of political justice that counts as a “public basis of justification”. (Rawls 1993, 100) What matters for our purposes are the constraints associated with the

2] This follows Rawls’s substantive notion of liberalism: see Rawls 1993, 223.

3] To think of this idea of liberalism as justificatory, rather than merely legitimacy-theoretical, follows Gaus 1996, 3ff. It also reflects the fact that Rawls takes legitimacy to be a matter of acceptability-based justifiability. As it is worth adding, Rawls works with the substantive notion and the justificatory notion of liberalism. It is plain that he adopts the substantive notion. He also adopts the justificatory notion. It is in the justificatory sense that he can claim that his own view, *Justice as Fairness*, despite being liberal in the substantive sense, would not be liberal if it was unable to gain an overlapping consensus, or failed to be suitably acceptable by reasonable people: see Rawls 1993, 143. Below, I shall in effect suggest that Rawls takes the justificatory sense of liberalism to be more fundamental in the order of justification than the substantive sense, and that he secures that a view that is liberal in the justificatory sense can also be liberal in the substantive sense by including in the scope of public justification reasonable people only.

requirement of publicness. What, then, makes a professed basis of justification public? Rawls replies that a theory of political justice can be a public basis of justification only if it is the subject of an overlapping consensus between reasonable comprehensive doctrines. (Rawls 1993, 143, 192) However, the reason why it matters that a theory of political justice, *T*, is compatible with the reasonable doctrines endorsed in society is that *T*'s incompatibility with any of these doctrines would mark one important way in which *T* can fail to be equally acceptable by the reasonable people endorsing such doctrines. But equal acceptability by reasonable people is what constitutes public justifiability. Thus, a theory of political justice is a public basis of justification only if it is publicly justifiable to reasonable people. Accordingly, Rawls writes that public justification is basic for political liberalism, and does not require us to look to the content of reasonable comprehensive doctrines. (Rawls 1995, 144 n. 21)

Now, there are different views of the role of public justification in political liberalism. On one view, it is a principle-applying exercise that supposes that reasonable level-2 principles are already at hand. E.g., Quong in effect reads it as supposing the conditions of a well-ordered society – a society of reasonable people that mutually recognize a reasonable political conception of justice and its principles. (Quong 2011) Thus, public justification supposes that the relevant others already share these principles as authoritative. But this does not exhaust the complex standing of public justification in political liberalism. In a second, more fundamental role, the standard of equal acceptability by reasonable people operates as a guideline of theory-selection and theory-construction – a standard that gives rise to the project of a political liberalism in the first place. (Besch 1998) Rawls, I take it, does not suppose that there currently is a society that is well-ordered in his sense. And yet, he argues that we here and now have reasons to accept that only a non-comprehensive, political form of liberalism, if anything, can serve as a public basis of justification. Correspondingly, he here and now applies the principle of toleration to philosophy and under this constraint attempts to work out JF in political terms – an exercise that addresses us, or at least the reasonable, rather than (only) the hypothetical inhabitants of a non-existing, well-ordered society. It is exclusively in this second, fundamental role that public justification matters now – in this role, it does not suppose that level-2 principles are already at hand, but rather guides the search for a theory of justice that may be relied on in arriving at such principles in the first place.⁴

What must a theory of justice, *T*, look like to be equally acceptable by the reasonable? Political liberals answer that it must not only be liberal in content, but also political in form:

R1 *T* must as a whole be consistent with what it takes to respect reasonable people as free and equal persons (call this “the respect requirement”).

4] On this understanding of public justification, it instantiates a robust form of Postema-type restricted trans-individual reasoning: see Postema 1995, 64ff. On the structure of public reasons in political liberalism: see Besch 2004, chapter. I.9.

R2 T must take equal acceptability by reasonable people to be something that justifies political principles, or their reasons (the constructivism requirement).

R3 T must at all levels of argument respect reasonable disagreement, and it should interpret this as requiring that reasonable disagreement be avoided in political justification (the toleration requirement).

R4 The political principles it advocates may apply to the domain of the political only (the requirement of limited scope).

These are some of the features of a “political” and liberal theory of political justice that matter now. One way to render Rawls’s argument is as follows. Reasonable people cannot equally accept a theory of justice unless it complies with what it takes to respect reasonable people. But to duly respect each reasonable person, it must treat equal acceptability by them itself as a genuine justifier and, correspondingly, avoid the reasonable disagreements that exist between them. Now, a theory of justice that meets these constraints can be liberal in content if it is limited in scope and contains political values only. At the core of this, then, is an idea of respect that gives rise to a constructivist view of justification and a commitment to avoiding reasonable disagreement. Political liberalism’s commitment to liberal content, political values and its limitation of applicative scope flow from this.

All this in effect allocates two tasks to the third level of political justification: the task of identifying a theory of political justice that is publicly justifiable to, or equally acceptable by, reasonable people, and the task of identifying reasonably acceptable political principles by working from within that theory. In essence, therefore, political liberalism construes political legitimacy as public justifiability, and takes this to be a matter of the equal acceptability of a theory of political justice by reasonable people. Importantly, this invokes reasonableness at a higher-order, *meta-theoretical* level. On the reading suggested here, reasonableness marks the very standpoint from which to accept or reject theories of political justice as a whole, including the principles they advocate, the premises they draw on, and the standards of reasoning they deploy. To meaningfully guide the search for a reasonably acceptable theory, however, the content of reasonableness must be available as authoritative prior to the selection of any of the theories that are being assessed in terms of their reasonable acceptability. In the order of justification, reasonableness here is justification-constitutive, rather than justification-dependent, in status.

III.

Let me now turn to the question of what idea of the reasonable – or what “threshold tests of reasonableness” (Macedo 1991, 47) – all this supposes. Is this an idea that we may treat as politically basic? I will first elaborate on the role and then on the content of this idea.

One role is plain from the above already. If political legitimacy is equal acceptability by reasonable people, its substantive profile depends on, and varies with, the content of the idea of reasonableness that we suppose. And there can be many such ideas. We might see

people as reasonable only if they are committed to maximizing utility, or if they promote human perfection, or if they act and reason in ways all relevant others can follow, or only if they follow god's true commands, and so on. These ideas nominate different theories of justice and different sets of political principles as authoritative.

Another role concerns questions of justificatory inclusion and the scope of equal respect. Political liberalism only includes reasonable people in the scope of political justification – or, to use Friedman's terms, the "legitimation pool". (Friedmann 2000, 23) The equal respect it claims to take seriously does not extend to the unreasonable. To unpack this, let us distinguish between various types of moral standing. Thus, consider the difference between the claim (i) that a being, X, has moral significance, and the claim (ii) that the grounds (reasons, principles, standards) that we act on in responding to X's moral significance should be acceptable by X. There are different kinds of moral status in play here. If we accord a status that corresponds to (i), we include others in the scope of what is sometimes called "moral concern."⁵ To invest moral concern in a being involves a non-instrumental willingness to protect or support it, or it's good. If we accord a standing that corresponds to (ii), however, we accord a more demanding form of moral status – this is the status that matters now. Call it "discursive standing." To accord to X discursive standing involves the commitment that activities that affect X be governed by grounds that X could accept.

Now, we can accord to others different kinds of discursive standing, depending on the relationship we take to hold between the goodness and the acceptability of our grounds. Put bluntly, we can identify our grounds as good depending on their acceptability, or else identify our grounds as good on some acceptability-independent basis. Thus, there are *constitutive* and more *derivative* forms of discursive standing. Where we accord constitutive standing, we believe not only that actions that affect others should be based on grounds they could accept (or share, or follow), but take it, too, that the authority of these grounds at least partly depends on, or is *constituted* by, their acceptability by these others. Where we accord derivative standing, by contrast, we in effect reverse the order of dependence: rather than seeing the goodness of our grounds as depending on their acceptability, we take the acceptability of our grounds to (at least ideally) *derive from*, or be a *consequence* of, the proper appreciation of their goodness. To mark this difference, let me speak of *discursive respect* where we accord the stronger, constitutive form of discursive standing.

The phenomenology of discursive standing is complex. While its constitutive and derivative forms seem to be located on opposite ends of a sliding scale, thus allowing for degrees and intermediate forms, we seem to accord both forms of standing to others. E.g., prior to much reflection and doctrinal streamlining, we might accord derivative standing to others whose judgment we take to be impaired or unreliable, while showing discursive respect to trusted peers. At the level of theory, practical constructivism typically requires

5] What I call "moral concern" is what Darwall calls "(moral) recognition respect" (Darwall 1977, 40); Warren calls it "moral status" (Warren 1997, 5).

that discursive respect be accorded to (some) people in (some) important moral or political matters. Accordingly, constructivist views of justice typically build on ideas of justification that construe some form of acceptability as constituting the epistemic-practical authority – or their correctness, validity, reasonableness, and so forth – of principles of justice. By contrast, if we require the relevant principles to be based on grounds that claim an authority that is not constituted by their acceptability, we can still value acceptability – e.g., we might hold that it is an element of the human good that people be able to accept the principles that apply to them, or that their free support is necessary for the stability of a just regime, and so on – yet we would not include the relevant others in the scope of discursive respect in relation to the grounds of these principles.

To return to political liberalism. Political liberals accord full discursive respect to the reasonable. For Rawls, theories of justice and political principles have political authority only if they are equally acceptable by the reasonable. Thus, if such theories or principles fail to be suitably acceptable by some reasonable people, this is a reason to doubt that these theories or principles meet the relevant requirements. Things are different in the case of the unreasonable: they at most enjoy derivative discursive standing. If they reject reasonably acceptable theories or principles, this does not constitute reasons to doubt these theories or principles, but confirms their unreasonableness. Thus, Rawls insists that while the unreasonable should be addressed, they should be addressed by arguing “from conjecture.” We argue from conjecture if “we argue from what we believe, or conjecture, are other people’s basic doctrines, religious or secular, and try to show them that, despite what they might think, they can still endorse a reasonable political conception that can provide a basis for public reason.” (Rawls 1997, 786) Now, Rawls does not claim that political principles have political authority just in case they are equally acceptable by the reasonable *and* are justifiable to the unreasonable by arguing from conjecture. He argues that political principles have all the political authority that they need if they are equally acceptable by the reasonable. If unreasonable people do not accept them, then this does not constitute reasons to doubt these principles – instead, it confirms these people are not reasonable. Arguments from conjecture thus are attempts to persuade the unreasonable to not reject principles that claim political authority *whether or not* they can accept them.

To a similar effect, Macedo wants political liberalism to address the unreasonable, but only *after* the framework of public justification is in place and political principles have been established. In engaging the unreasonable, then, the authority of these principles is not called into question. Thus, engaging them is introducing them to principles that are accorded authority *whether or not* they can accept them. (Macedo 1991, 61ff.) Larmore, not least, suggests that political principles should be justifiable to the unreasonable, but with the justification premised on the counterfactual supposition that they are reasonable. (Larmore 1996, 142) But this does not accord discursive respect to them. There is a difference between (i) seeing Betty as reasonable and assessing political principles by the light of reasons that she can accept, and (ii) seeing her as unreasonable, but imagining what *would* be acceptable by her *if* she was reasonable. In the case of (ii), it is not Betty

who is accorded discursive respect, but an imagined, *idealized* person, Betty*, that differs from Betty in only endorsing views that are not unreasonable. Accordingly, if Betty rejects principles Betty* accepts, this underlines her unreasonableness.

IV.

This leads us to the content of political liberalism's idea of reasonableness. What content the idea of reasonableness has in political liberalism is contested. Sympathizers tend to argue that it is thin in content and so can be inclusive in scope of application and appeal. Critics often insist that it is thick in content and so is exclusive in scope of application and appeal. Elsewhere, I argue that it is thick, or substantive, and so I will side with the critics.⁶ Let me briefly explain why there is reason to take it to be substantive.

There is content that Rawls explicitly builds into this idea and content that must be part of it if political liberalism is not self-defeating. Content of the first type includes the following. Reasonable people maintain a sense of justice and a conception of the good. They are committed to being able to justify their actions and institutions on grounds they and others like them cannot reject, and to follow terms of cooperation that are as acceptable to them as they are to other reasonable people. They recognize the burdens of judgment, respect reasonable disagreement and take this to require that such disagreement be avoided in the justification of moral-political principles. And they believe that society should be a fair system of cooperation. The list continues. More important is content of the second, implicit type. Much of what Rawls says builds on the idea that reasonable disagreement rules out equal acceptability by the reasonable: if *S* is the subject of reasonable disagreement, then *S* is not equally acceptable by reasonable people. This applies, as well, to the argument from public justification to political liberalism. Now, there is disagreement about the ideas reflected in R1-R4. E.g., perfectionists disagree with the view that a theory of political justice must be constructivist and needs to be tolerant in terms of avoiding reasonable disagreement; comprehensive liberals dispute political liberalism's commitment to a limited scope, and so forth. However, this disagreement either counts as reasonable – i.e., disagreement that can arise between reasonable people without impugning their reasonableness – or it does not. If it does, political liberalism will not qualify as equally acceptable by reasonable people. Hence, it would fail its own standard of public justifiability, and so be self-defeating. But Rawls does not conclude this: he takes it that a theory of political justice, if it is to be publicly justifiable, must meet R1-R4. But then he must construe such disagreement as *not reasonable*. And this is tantamount to building a commitment to the ideas reflected in R1–R4 into the idea of reasonableness

[6] For an account of reasonableness in Rawls: see Besch 1998; for a view of reasonableness in political liberalism more generally: see Besch 2004, section I.14.

that public justification builds on. Hence, this idea of reasonableness is substantive – it effectively amounts to a thick value concept.⁷

Consider Larmore's views. At first sight, he builds his political liberalism on a thin idea of reasonableness. His approach, he writes, supposes that "reasonableness" refers to no more than "the free and open exercise of the basic capacities of reason." (Larmore 1996, 143, 1999, 602) But there certainly is a sense in which anti-liberals (e.g., Nazis, fundamentalists, but also act-utilitarians) can freely and openly exercise these capacities, if by that we do not mean anything that smuggles in liberal commitments, but a voluntary, more or less informed and coherent exercise of inferential reasoning and judgment. Political justification would thus have to avoid all premises informed and coherent anti-liberals would reject. But then it would be mysterious how it could lead to liberal principles, or any widely sharable moral conclusions. Political liberalism's idea of reasonableness, then, must be richer in content. Rawls gives us a clue as to what additional content is needed when writes that political liberalism "supposes that a reasonable comprehensive doctrine does not reject the essentials of a democratic regime." (Rawls 1993, xvi) He never specifies exactly what these essentials are, but it is safe to assume that they include substantively liberal ideas: namely, the views that citizens should enjoy basic rights, liberties, and opportunities of special status, and means to make use of these things. And in supposing that reasonable doctrines do not reject these essentials, Rawls supposes that the reasonable people who endorse such doctrines do not reject them: this is why the search for an overlapping consensus points toward, rather than away from, substantively liberal principles.

It does not end here. Even if a suitably rich idea of reasonableness is supposed, a problem of self-defeat still looms. This idea must also be *reflexively stable*. That is, building the relevant content into this idea and according to it the role political liberalism accord to it may not be the subject of reasonable disagreement. Thus, political liberalism needs to suppose, too, that reasonable people do not disagree with two additional views: first, the view that equal acceptability by people *who are reasonable in political liberalism's rich sense* justifies; and second, the view that only people *who are reasonable in this rich sense* need to be accorded discursive respect. In this two-fold sense, then, reasonableness must not only be rich in content but also, as Estlund puts it, "insular." (Estlund 2008, 55)

V.

What we have here, then, is a politically basic virtue of reasonableness that is accorded a key role for the purposes of theory-selection for the domain of the political, but that is strikingly rich in content. And while some of this content is contested even by liberals, there are, it seems, many conscientious citizens who are not reasonable in the sense of this virtue (say, the sense of reasonableness*). Absent a justification of reasonableness*,

7] Estlund notes a related problem in Rawls (Estlund 2008, 54).

then, political liberalism's view of political justification, and with it its idea of political legitimacy, seems both dogmatic and unacceptably exclusivist.⁸

However, a remedy for this problem suggests itself: political justification should be enriched with a more inclusive, fourth level of argument at which it is determined in the first place what idea of the reasonable we may rely on at lower levels of justification. Structurally, this would constitute an extension of the depth of political justification that allows us to hold on to many of political liberalism's other metatheoretical views, e.g., the views that a theory of justice must be equally acceptable by the reasonable, or should avoid reasonable disagreement, or that discursive respect should be accorded to reasonable people only, and so on. Prior to level-four arguments, however, it would here remain open in terms of what idea of the reasonable these views may be understood. Of course, a more inclusive form of political justification might be unable to arrive at substantively liberal conclusions if it avoids "reasonable" disagreement and seeks equal "reasonable" acceptability – without construing reasonableness in terms that are geared toward liberalism. Still, this problem cannot be resolved by dogmatically denying non-liberals full discursive respect. Legitimacy for liberals only, it seems, is no genuine legitimacy at all.

On the extended view of political justification that this suggests, political power must accord with constitutional principles (level 1) that are justifiable by political principles (level 2); these principles, in turn, need to be justifiable as reasonable by a theory of justice that is suitably acceptable by reasonable people (level 3). At a fourth level of argument, finally, it needs to be determined what idea of reasonableness may govern political justification at lower levels of justification. Let me now make some initial moves at this fourth level. What idea of reasonableness may we treat as politically basic? A plausible element of the answer, I submit, is this – call it "the *cosmopolitan response*":

CR Political justification should suppose an idea of reasonableness that is equally acceptable by everyone to whom our political principles apply – as determined not by the bounds of states, nations, cultures, and so on, but by the applicative scope of these principles and the effects of activity prescribed by them.

I hasten to add two things. First, there is of course no shortage of ideas of reasonableness. But it is not enough to single out one idea that you and I find plausible; rather, what is needed is an idea that all relevant others can accept. And, as Moore notes, such ideas are contested, and the more so the more important their role is in justification. (Moore 1996) Thus, there might not be an idea of the reasonable that suits the purpose – one, that is, that is not also trivial, or unhelpfully devoid of content, or too formal. I shall return to this serious worry in the next section.

Second, the above leaves the case for more inclusiveness in an awkward position (inclusiveness, that is, as measured by CR). Evidently, we may not simply browbeat

[8] On the problem of public dogma: see Besch 2012.

political liberals. If the case for more inclusiveness relates to exclusivists like the reasonable* relate to the unreasonable*, then whatever is wrong with political liberalism's exclusiveness will be wrong with that case. But for all that we have seen, the objection from dogmatic exclusivism simply supposes what political liberals deny. E.g., it suppose that (at least some) unreasonable* people should be accorded discursive respect. This arguably commits it to suppose, too, that reasonably* unrejectable views are in need of justification, that unreasonable* objections can put them in this need, and, not least, that reasonable* views that are in this need should be justifiable to (at least some) unreasonable* people as well. These things are plausible – and this is part of the appeal of that objection. Still, we cannot presuppose the truth of the view that more inclusiveness is needed: an inclusive view of scope may not be taken to be the default position, but is in need of justification *itself*. The task at hand, then, is two-fold. We need to establish within what scope ideas of reasonableness need to be acceptable. Once this is done, the systematic context is in place to work out an inclusive idea of reasonableness – hoping, as it were, that such an idea can still be useful for the purposes of political justification.

Now, there is a catch. Can a view of scope like CR be established on constructivist grounds alone? It is doubtful that such grounds suffice. Accordingly, we have reasons to defend CR on non-constructivist, perfectionist grounds. Let me use this section to support the plausibility of this view. Suppose we construe CR's authority in constructivist terms, and so take it that its authority depends on its acceptability *within the right scope*. This complicates matters. For now we cannot defend an inclusive view of scope without supposing a view of scope. A first problem, then, is this. If we take it that a view of scope such as CR needs to be equally acceptable within a scope *as prescribed by CR*, we seem to be back to begging the question against exclusivists. Let us assume, however, that we may take it that CR must be equally acceptable within that inclusive scope. This leads to another problem. The relevant political principles apply also to exclusivists, and some exclusivists, notably political liberals, endorse views that quite deeply reject inclusivism. Such exclusivists cannot coherently accept CR – or, rather, they cannot coherently accept CR prior to abandoning the commitments that make CR unavailable to them. But if CR is not equally acceptable within its own scope, it fails the constructivist acceptability requirement. Thus, what constitutes the need to justify CR in the first place, namely, the existence of exclusivism, seems to at the same time undermine meeting that need on constructivist grounds.

This result might seem hasty. It is possible to tweak the constructivist acceptability requirement so that a view like CR can be said to be equally acceptable by the relevant others even though exclusivists cannot coherently accept it. One way has surfaced just now: CR can be said to be *acceptable* by exclusivists in the hypothetical (or counterfactual) sense that they could accept it, or at least would not be committed to reject it, if they abandoned whatever commitments make CR unavailable to them. But such tweaking holds little promise. On the one hand, it cuts both ways. If CR can count as suitably acceptable despite there being relevant others who cannot coherently accept

it, then the same holds for exclusivist views of scope. Yet if both CR *and* non-CR meet the constructivist acceptability requirement, it cannot be that requirement that grounds CR's authority. On the other hand, tweaking that requirement is either *itself* reasonable or it is not. If it is *not* reasonable, then the fact that CR meets the tweaked requirement cannot confer authority on CR. If it *is* reasonable, then it will be the reasons we have in the first place to secure CR's status by tweaking that requirement, rather than the successful application of the tweaked requirement to CR, that grounds the authority of CR. Again, this authority would need to be based on other, non-constructivist grounds.⁹

To deepen these doubts, consider a recent constructivist case for inclusivism – i.e., O'Neill's case for cosmopolitanism about the scope of “ethical standing,” or of “reason or of ethical consideration.”¹⁰ (O'Neill 1996, 48-52) She notes that a constructivist case for inclusivism itself needs to be followable, or coherently acceptable, within an inclusive scope. She argues, however, that major attempts to determine the grounds and boundaries of moral status do not meet that requirement. Neither Platonist appeals to a metaphysically grounded, objective value of people or their inclusion in the scope of discursive respect will do, nor will particularist appeals to the norms of “our” form of life, or “our” political, social, or other traditions suffice, nor, not least, will it be enough to appeal to the instrumental value that the inclusion of people in the relevant scope might have for some people or other. In one way or other, such appeals, O'Neill argues, instantiate thinking that some relevant others cannot follow, and that hence do not meet the constructivist acceptability requirement. Similar reasons disqualify attempts to ground moral status in ideas of recognition. (O'Neill 1996, 51, 91-97) As an alternative, O'Neill offers a “practical” approach: in her view, the presuppositions we inevitably make about others whom we take to be on the receiving end of our intellectual and non-intellectual activity, widely conceived, render it incoherent for us not to accord moral status, or discursive respect, to them. Arguably, this would entail that agents must accord that status to everyone on the receiving end of their activity, including discursive and political activity. Thus, we would in effect have arrived at a constructivist case for an inclusive view of scope like CR.

Alas, this case fails. O'Neill plausibly argues that where we take others to be on the receiving end of our activity, we make assumptions of “plurality,” “connection” and “finitude” about them: that is, we take them to be independent sources of activity that are connected and vulnerable to us. (O'Neill 1996, 97-106) She argues, as well, that we cannot coherently deny these assumptions where we presuppose them. Now, this leaves open how we ought to relate to others about whom we make these assumptions. And this is as it should be: to be reconstructively adequate, a view of the presuppositions of other-regarding activity needs to be true of a wide range of activity, including activity

9] This touches on a general problem in practical constructivism about the scope of practical reasoning: see Besch 2011.

10] See also O'Neill 2000, 112-29, 186-202, and O'Neill 1988. O'Neill does not distinguish between moral concern, derivative discursive standing, and discursive respect; for our purposes, we may take her case to be about the scope of discursive respect. See Besch 2011.

that discursively excludes others, or that seeks to demean, hurt, or even destroy others. Thus, this view needs to be ethically neutral – and this it is. And yet, it is on this basis that O’Neill infers that we must accord moral status to all others whom we take to be on the receiving end of our activity. But this does not follow. What follows is that we must accord that status to the relevant others *if* we already suppose some view to the effect that this status must be accorded to all vulnerable and connected sources of activity – that is, to all real people who are, or whom we take to be, exposed to our activity. Yet *this* is the sort of view that O’Neill needs to establish. And it is also the sort of view that exclusivists cannot coherently accept. Rather than vindicating an inclusive view of scope, then, O’Neill in effect supposes such a view – a view, moreover, that, if it has authority, cannot have that authority on constructivist grounds as some relevant others cannot coherently accept it.

This suggests we defend inclusivism on grounds that are perfectionist in form. That is to say, should concede that we have reasons to accept an inclusivist view such as CR because discursive respect, while it *is* an impersonal good, does *not* depend for its status as such a good on its equal acceptability by the relevant others. Of course, this merely gestures toward a kind of perfectionism (and at a thin version at that), and it leaves open what it is about discursive respect that makes it such a good. But this is all what is needed now. Note, though, that even if an inclusive view of scope can be salvaged by making a perfectionist case for discursive respect, a puzzling issue remains. Such a case will *not* accord to all relevant others discursive respect. To some others, it will at most accord derivative discursive standing. And it is an open question whether this is a performatively coherent stand to take.

VI.

Let me now suppose that a case for CR can be made, and that the systematic context is in place to identify a suitably inclusive idea of reasonableness. What content might such an idea have? This issue is crucial. If inclusiveness requires triviality, near-emptiness, or unhelpful formalism, the inclusivist aspirations of justificatory liberalism come at a high cost – at least, that is, if we require political justification to avoid reasonable disagreement and to treat reasonable acceptability as justifying. In the remainder of my discussion, let me address this issue of content.

To start with, I take it that an inclusive idea of reasonableness may involve content associated with the meaning of the word “reasonable” (as it is used in relation to a virtue of people in their capacity as political or moral agents). Following Moore, as far as this meaning goes, reasonable people are committed to some practice of reason-giving, or justification; and they take it that others are worthy of reason-giving and some moral consideration. (Moore 1996, 171) Note that this implies very little. A commitment to a practice of reason-giving is not a commitment to *constructivist* practice of reason-giving, or public justification. And a commitment to showing others moral consideration is not a commitment to according them *discursive respect*, rather than derivative discursive

standing. There are other obvious elements of reasonableness that may or may not be entailed by the meaning of the word “reasonable”, but mark features that are typically present where the term applies. E.g., reasonable people exercise “the basic capacities of reason” – understood as a commitment to reasonability and criticality. (Larmore 1996, 143) And they possess certain “executive virtues” that normally enable us to do as we say and to act in accordance with our moral and non-moral beliefs. (Macedo 1991, 275) Perhaps less trivial is another element. Reasonable people place positive value on agreement, or some form of agreement. It is not easy to capture this element without making it unnecessarily controversial, but perhaps we may say that reasonable people place positive value on what they take to be reasoned convergence in judgment between what they regard as relevant other people. Other things being equal, then, they prefer solutions that are the subject of such convergence over relevantly similar solutions that are not. Again, this entails little. It leaves open what justificatory or moral rank reasonable people accord to agreement, whose agreement they value, how deep the agreement is that they value, and what sort of considerations they take to trump or even nullify that value.

All this leaves the pursuit of a political justification of substantively liberal principles in a tight spot. It is likely that some people who are reasonable in a minimal sense of the sort just sketched cannot coherently accept some of the ideas at the heart of political liberalism, such as the idea that we should avoid reasonable disagreement, or that some kind of acceptability by the relevant others justifies, or that political principles should apply to the domain of the political only, or that these principles should be substantively liberal. And even if all reasonable people accepted the first three of these ideas, there might still be reasonable disagreement about the fourth idea, or about whatever considerations we need to invoke to link the first three ideas with the fourth. It would follow that if we are to avoid reasonable disagreement in political justification and construe of equal acceptability by the reasonable as justifying, then a substantively liberal theory of justice cannot provide a suitably inclusive public basis of political justification.

Can we build more content into a politically basic idea of the reasonable? There is no *a priori* reason to confine ourselves to content that we associate with the meaning of the word “reasonable”. And we have reasons to go beyond such content if we hope to arrive at a substantively liberal theory of justice. However, adding more content adds more concerns about equal acceptability – concerns, of course, that are raised already by the content we associate with the meaning of that word: after all, our conception of that meaning is likely to reflect our more substantive views of what is or is not reasonable. And, if Moore is right, any non-trivial view of reasonableness is likely to be contested by some relevant others. But then the attempt to add more content runs into a dead end unless we find a widely acceptable way to identify additional content despite expectable disagreements about the nature of reasonableness.

Now, there is a self-suggesting way in which disagreement about a subject matter can help to bring out common ground on that subject matter. Reverting to O'Neill, consider her idea of abstraction.¹¹ A simple example brings out its point:

1. All objects in the garage are green Volkswagen.
2. All objects in the garage are green cars.
3. All objects in the garage are colored vehicles.

(1) to (3) mark increasingly abstract claims. Roughly, (2) is more abstract than (1) in the two-fold sense that (2) is entailed by (1), but does not contain information (or 'brackets predicates,' as O'Neill puts it) that (1) contains – i.e., it leaves open the brand of the car in question. Similarly, (3) is more abstract than (2) as (3) is entailed by (2), but leaves open both the color and the kind of the vehicle in question. As O'Neill observes, there is nothing unusual about reasoning that engages in abstraction – it is an ordinary feature of everyday discourse, and often serves as a useful way of identify what people must agree on in virtue of what they disagree about. To put things in terms of our example, if you claim that all objects in the garage are green cars, and I claim that they are all yellow cars, then once we see in what respect we disagree, namely, matters of color, we know that we are both committed to agree that these objects are colored vehicles.

Suppose we apply this approach to disagreement more systematically – say, as a method of inclusive abstraction – to disagreements about reasonableness that exist between reasonable people (people that are reasonable, that is, in terms of the minimal notion sketched above). There is no *a priori* reason to believe that inclusive abstraction cannot help to identify substantive common ground amidst such disagreement. Of course, this would be very hard to do at any larger scale – e.g., consider the complexities it would involve to set up widely accessible deliberative forums that would allow us to actually identify, map, and systematically relate the ways in which reasonable people disagree about ideas of reasonableness.¹² And whatever content emerges as abstract common ground might, yet again, be less than what is needed. But there is plenty of material to work from and good reason to try if indeed we are to expect that ideas of reasonableness tend to be the more controversial the more important their role is in political justification.

In closing, let me add two comments. First, the search for content that an inclusive, politically basic idea of reasonableness may contain is not confined to content we associate with the meaning of the word "reasonable." But neither is it confined to content associated with ideas that their proponents identify *as* ideas of reasonableness. This search, I submit, may also focus on views that play a similar normative role in the moral and political outlooks that reasonable people endorse. Ideas of reasonableness often reflect what we

[1] O'Neill outlines her views on abstraction in O'Neill 1988 and 1996, 38ff.

[2] Still, deliberative democratic theory has suggested ingenious ways in which it could be attempted. See, Ackerman, Fishkin 2005, and Fishkin 2009.

might think of as proto-ideals. Proto-ideals do not amount to substantive ideals of what it means to do right or be good in their own right. Rather, they reflect conceptions of qualities and capacities that, we take it, enable people to competently participate in the pursuit of doing right and being good – on at least *some* conception of what that pursuit requires that might not be our own, and whether or not they actually excel in that pursuit. At the same time, they reflect conceptions of the standpoint from which, we believe, more substantive moral or political conceptions should be assessed. Ideas of reasonableness, I take it, often give expression to proto-ideals, and might quite typically do so (to say the least, this seems plain in the case of the idea of reasonableness* and the minimalist idea sketched in the last section). However, reasonable people might endorse proto-ideals without identifying them as ideas of reasonableness. I submit, then, that we may rule in views that play the part of proto-ideals for the purposes of the attempt to abstract toward content that a duly inclusive, politically basic idea of reasonableness may contain.

Second, a method of inclusive abstraction might help us to identify common ground, but that this ground is common does not by itself ensure its justificatory relevance. Consider an example. Betty claims that reasonableness asks us to be prepared to give others reasons that are good by their standards (call this “Ra”). Paul argues that it requires us to be prepared to give others reasons that are good by our standards (Rb). Peter, not least, claims that it involves a commitment to being able to justify ourselves to others on grounds they cannot coherently reject (Rc). Each of them is committed to Moore’s more abstract view that reasonableness involves a commitment to a practice of reason-giving (R*). Thus, they cannot coherently reject R*. But this does not mean that they cannot coherently reject that R*, rather than Ra, Rb, or Rc, be adopted as a politically basic idea of reasonableness. True, the fact that they cannot coherently reject R* commits them to accept that R*, rather than Ra, Rb, or Rc, be adopted as such an idea *if* they place sufficiently high value on equal acceptability in the first place. Without this additional factor, however, that fact seems to remain irrelevant to their dispute. Thus, the relevance of a method of inclusive abstraction is limited. Perhaps its application to disagreement about reasonableness (or, I have suggested, proto-ideals more generally) brings to the fore much needed content that reasonable people cannot coherently reject. But that they cannot coherently reject that content does not entail that they can accept to construe a politically basic idea of reasonableness exclusively in its terms. It seems, then, that the relevance of inclusive abstraction for the task of identifying a duly inclusive, usefully substantive and politically basic idea of reasonableness depends on the value reasonable people place on equal acceptability in the first place.

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