

Respect and Justification: A Problem for Public Reason Liberalism

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Problem and Aim

Question: Does respect really trigger public justification?

Hypothesis: There is a gap between respect and public justification; public reason theories rely on a misunderstanding about the concept of justification

Aim: To understand how respect and justification should be conceptualized among citizens living in a democratic society

Relevance: If respect does not trigger public justification, we may need something different to tackle the problem of disagreement in democratic societies

Outline

- 1) Rawls's and Gaus's arguments for PJ and their problems
- 2) A misunderstanding about justification
- 3) A different conception of respect
- 4) The possibility of moral compromises

Rawls's argument

How is it possible that there may exist over time a stable and just society of free and equal citizens divided by reasonable though incompatible religious, philosophical, and moral doctrines?

Rawls's aim: to find a political conception of justice apt to secure an overlapping consensus among reasonable citizens

Given the the fact of reasonable pluralism,

- Political power must be used in ways that all citizens may reasonably be expected to endorse (Principle of Legitimacy)
- Duty of civility: citizens need to employ public reasons
 - Principle of respect to free and equal persons

Gaus's argument

Gaus aims at securing a *social morality*, a set of rules apt to organize how individuals are to make moral demands over each other

Gaus's problem is to neutralize the possibility of *authoritarianism*, the imposition of normative standards on those who may not have sufficient reason to endorse them >
Convergence Model of Public Justification

Respect for persons grounds the principle of public justification.

- (1) Moral persons enjoy the status of free and equal.
- (2) Moral persons are all equally authoritative (though not equally good) interpreters of the demands of morality.
- (3) Accordingly, one cannot appeal to the authority of her own private judgment over those of others in issuing moral demands.
- (4) Individuals need to acknowledge a fundamental constrain on the justification of claims to moral authority over.
- (5) A social morality cannot be authoritarian and needs to be publicly justified in order to respect moral persons as free and equal.

Problems with PRL

- Rawls and Gaus seem to rely on the intuitive power for the claim that respect requires public justification. Since there are different conceptions of respect (Hampton 1989; Eberle 2002; Stout 2004; Weithman 2004), an argument showing that their idea is the correct one is needed
- Should not respect be grounded in some general considerations that everyone shares and not only granted to qualified persons (for example, the reasonable ones...)?
 - Isn't it disrespectful and authoritarian?

Cashing in some form of idealization (even mild) cannot help run against PRL's own commitment and premise: if each person should not be subjected or coerced on the basis of rules she does not have sufficient reason to endorse, then idealization brings disrespect into the picture

A misunderstanding

The point of PRL is that there is something deeply wrong about subjecting another on the basis that one believes certain things

> This cannot help to seem correct!

However, is this what is going on between two individuals rejecting public justification who happen to disagree on a certain matter of public interest?

Misunderstanding: demanding another to comply because one believes so /demanding one to comply because circumstances are such that the other should comply (Raz 1998; Enoch 2013)

Unfolding the misunderstanding

Bill and Jill disagree about vegetarianism. Bill defends the idea that killing animals for alimentary purposes should be outlaw, whereas Jill disagrees.

(1) Bill does not condemn animals' killing on the basis that *he believes*
so

(2) Bill condemns animals' killing because it is wrong, *as he believes*

> Bill is not a moralist, who self-appoints validity to his own thinking. Is he being disrespectful or authoritarian?

Since there is nothing wrong about issuing a certain demand on the basis that it is the case, not to abide by the rules of public justification is not by itself disrespectful.

A different kind of liberalism and respect

- Coercion needs to be justified
- Political justification is a practice of reason giving
 - Rational justification, not public justification
- Respect is owed to persons qua rational persons, able to employ their cognitive resources to determine whether some law or principle is morally appropriate:
 1. It is a form of recognition respect
 2. Being respectful means to observe certain restrictions
 3. It requires to reach and offer the best possible reasons

A moral duty to seek agreement

Respect requires to provide others with the best reasons we have
Given that we are after rational justification, we are looking for right
answers to political problems



The notion of respect implies a duty to *seek* agreement on the right
answer

But what does happen in the face of disagreement, when no one has a
conclusive argument for her favourite political option?

> The case of abortion

Moral compromises for pragmatic solutions

When it comes to political justification, irreconcilable claims must be somehow resolved: political inaction is not without consequences and conflict is undesirable > Compromise solution to disagreement

Compromise \neq correction or rectification

Moral compromise \neq strategic compromise

Given the principle of respect for persons as rational persons, one needs to recognize other's capacity to interpret problems



Moral compromise > provide an equilibrium on a certain position based on moral reasons

> Moral compromises arise in the context of genuine disagreement and are **grounded** in the moral principle of respect

A mere modus vivendi?

Modus Vivendi

- It is based on interests and power
- It can be found without deliberation
- Shifts when interests and balance of powers change
- Moral costs are irrelevant

Moral compromise

- It is based on moral reasons
- It is the result of a process of reason-giving
- Shift when new evidence and new ideas enter the process of justification
- Moral costs are evident

Conclusions

- I showed that public reason liberals have a problem with the relation between respect and public justification
- I proposed a different understanding of the notion of respect and justification
- I showed that rejecting public reason liberalism does not necessarily turn into embracing a modus vivendi
- I attempted to argue that we may have moral reasons (stemming from the notion of respect) to compromise on certain issues