Kantian Constructivism and Normative Authority

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Abstract

This paper defends a Kantian constructivist understanding of normative authority as rational authority, by invoking a distinctive cognitivist argument that offers a dialogical conception of constitutive rational norms. G.A. Cohen raises doubts about the logical status of constitutive norms. Insofar they are unconstructed starting points of practical reasoning, the question arises whether constructivism is coherent. A reply to this objection requires an account of the constitutive role of normative principles of construction. The argument proposed here does not commit to social constructivism or ontological agnosticism, but it purports to identify a distinctive conception of rational agency, based on a dialogical conception of reasoning where the relevant interlocutors are regarded as peers. This view takes seriously the possibility of peer disagreements as well as the quest for objective standards of normative authority. It responds to such a quest by rejecting sterile idealizations and focusing on practices of mutual respect and recognition.

1. Kantian constructivism as a theory of rational authority

The most distinctively “Kantian” aspect of constructivism is the account of practical reason and of its authority. The claim is that reason is authoritative insofar as it is a principled activity. Kant’s argument is support of this claim is controversial in many respects, but my aim is to call attention on the fact that the requirement of universality is justified as an answer to the issue of rational authority. Unprincipled authorities are parochial and dogmatic.

It often goes unnoticed that the objections of heteronomy and dogmatism run in parallel. The charge of heteronomy is directed against those ethical theories, such as intuitionist rationalism, which derive moral obligations from an external order of value. On this standard rationalist account, the function of reason is merely recognitional, rather than productive or constructive. Its job is to recognize truths that are such prior to and independently of reasoning about them. Practical
reasoning is not the agent’s own “doing”, in any significant sense. Being reasonable means being responsive to reasons that are already there to be grasped or discovered.

The Kantian objection is that a foundationalist account of justification takes such moral truths for granted, and it is thus guilty of dogmatism. Dogmatism is not only an objectionable ethical and epistemic attitude. It is also ineffective in the face of widespread ethical disagreements. A dogmatic agent is, by definition, insensitive to reasoning and challenges. But for this very reason his epistemic and practical attitude is inadequate in contexts marked by value pluralism. The dogmatic rationalist does not engage with other evaluators holding (radically) different values. He simply dismisses them as blind. But this arrogant attitude produces a strategy of insulation that is ultimately self-defeating. Failure to interact with others amounts to a failure to provide a credible and authoritative justification for one’s claims. Dogmatism allows only for a parochial authority, which can be challenged from any other ethical perspective. It thus ends up with no authority at all. Genuine authority is unrestricted. This leads to the claim that genuine authority is warranted by the requirement of universality: for something to count as a reason of justification, it must be such that it could be endorsed as a law. The moral law is valid for and binds all rational agents.

O’Neill appropriates Kant’s argument against dogmatic doctrines when she writes that all the conceptions of practical reasoning but constructivism fail the “elementary standard of reason” (O’Neill 2002, 51-52). In O’Neill’s reformulation, to count as reason a consideration must be ‘followable’ or ‘accessible’ to others (O’Neill 2002, 51-52). Constructivists hold that to avoid the charge of arbitrariness and impracticality that begets dogmatic rationalism, ethical theory must agree with Kant about the universality of the standards of rational validity (O’Neill 2003b, 26). Such standards are authoritative only if they are universally shared. This is a rather strong claim, especially when we consider its consequences for political legitimacy.

Nonetheless, I agree with O’Neill that Kant’s constructivism provides a better framework for moral and political justification than our contemporaries (O’Neill 1989; O’Neill 2002, ix–x). This is because Kant deploys only weak, uncontroversial, merely abstract elements to count as
“materials of construction” (O’Neill 2002, 7, 48, 64, 179, 210), including a plausible account of rational agents, marked by specific competences, vulnerabilities, and mutual dependence. Rawls’ error is that he departs from Kant’s abstract and sober list of materials and instead deploys controversial idealizations of rational agency and personhood, which are inadequate and unrealistic (O’Neill 2002, 64, 93, 179, 211). Of course, this claim is bound to attract immediate reactions, given that Kant’s ethics is widely believed to rest on a cumbersome metaphysics and requires a rather unrealistic sort of psychology. In claiming allegiance to Kant, O’Neill stresses two main aspects: “In the first place it assumes only an abstract, hence nonidealizing and banal account of agents and of conditions of action. Secondly, it aims to articulate and to vindicate a conception of practical reasoning without appeal either to unvindicated ideals or to unvindicated particularities” (O’Neill 2002, 48). She argues that the construction must start from “the least determinate conceptions both of the rationality and of the mutual independence of agents. A meager and indeterminate view of rationality might credit agents only with the capacity to understand and follow some form of social life, and with a commitment to seek some means to any ends (desired or otherwise) to which they are committed” (O’Neill 1989, 9-10). And “a meager and indeterminate view of the identity and of the mutual independence of agents can assume only that agents have capacities for varying sorts and degrees of dependence and interdependence” (O’Neill 1988, 10).

My own distinctive contribution to this constructivist agenda is to argue that the most crucial of these capacities is moral sensibility, whose key function is to signal and administer attention and recognitional respect. Respect plays several roles. First, it administers attention to morally salient features of a situation. Secondly, it is the key phenomenological signature of moral experience and part of the explanation of rational action (Bagnoli 2011, 2014a). It is key in the first/person account of rational action. By focusing on respect, Kantian constructivism is capable of accounting for the subjective experience of autonomy. Contra skeptics and realists, I have argued that moral experience plays a constitutive role in rational justification as well as in the explanation of rational action, rather than an evidential role (Bagnoli 2014b).
2. The objection of incompleteness

One of the most fundamental challenges to the constructivist solution to the problem of political legitimacy comes from meta-ethics. Critics argue that constructivism is incomplete because it ultimately relies on realist foundations. Constructivists tacitly (and dogmatically) rely on unconstructed elements, which they never justify. This objection takes different forms. For instance, Joseph Raz expresses this general concern by considering the standards of correctness of a theory of justice: “There can be no justice without truth.” (Raz 1990, 15) For Raz liberalism cannot be defended as a merely “political” doctrine, because the “[the rational justification] of moral and political values depends in part on the way they can be integrated into a comprehensive view of human well-being”. From this realist standpoint, Raz then argues that liberalism should grant the relevance of truth and the liberal conception of justice should be proposed as part and parcel of a particular moral view that concerns the fundamental nature of moral value. In other words, the constructivist justification is always incomplete and its completion inevitably invokes moral truths.

Another formulation of the objection attacks the logical structure of the constructivist argument. For instance, G.A. Cohen argues that fundamental normative principles are not grounded on facts and thus they are not as fact-sensitive as the constructivist account of rational justification requires. Cohen considers his arguments against Rawls to be a model of his critical strategy against constructivism in general (Cohen 2003, 221; see also Raz, 2003, cp. Timmons 2003). I take this to be a meta-ethical statement, even though Cohen is right that his thesis about fact-insensitivity is neutral with respect to the debate about moral ontology. The fundamental issue concerns the status of the norms of reasoning, and more generally the status and role of the starting points of rational

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1 “To recommend one as a theory of justice for our societies is to recommend it as a just theory of justice, that is, as a true, or reasonable, or valid theory of justice. If it is argued that what makes it the theory of justice for us is that it is built on an overlapping consensus and therefore secures stability and unity, then consensus-based stability and unity are the values that a theory of justice, for our society, is assumed to depend on. Their achievement — that is, the fact that endorsing the theory leads to their achievement—makes the theory true, sound, valid, and so forth. This at least is what such a theory is committed to.” (Raz 1990, 15).
justification. Cohen raises the right sort of concern about the logical status of the starting points of the constructivist justification. Insofar as such starting points are unconstructed, the question arises whether constructivism is coherent. A defense of constructivism from this objection requires an account of the constitutive role of normative principles of construction. This strategy does not commit constructivism to anti-realism or ontological agnosticism. Rather, it identifies a third view between anti-realism/relativism and realism. iv

Constructivism can be defended from this sort of criticism by clarifying the role and nature of the unconstructed elements of its model of rational justification (Bagnoli, 2011, 2013, 2014a).

3. The basis and materials of construction

As John Rawls writes “not everything, then, is constructed; we must have some material, as it were, from which to begin” (Rawls 1993, 104). Remarkably, no constructivist theory claims to do without unconstructed elements or starting points. On the contrary, the identification of the correct starting points is exactly what makes the whole difference between realist and constructivist accounts of rational justification. The metaphor of “construction” is supposed to capture the structure of rational justification in contrast to realist and anti-realist views. Differently than the anti-realist metaphor of creations ex nihilo, the metaphor of construction suggests that we need to start somewhere. The basic claim of Kantian constructivists is that for the justification to be authoritative, the materials of construction should be empirical facts, such as the considerations about the circumstances of action. This claim distinguishes constructivism from realism, which prefers the metaphors of discovery and perception. Reasoning amounts to discovering moral truths or perceiving moral facts. Moral facts are absolute and fixed starting points, prior to and independent of any construction. They lay down the foundation of any further moral conclusion. The realist standards of correctness are thus material.

By contrast, the standards of correctness for the constructivist justification are formal. Kantian constructivists qualify the metaphor of construction in terms of a procedure (Rawls 1993,
116, 239; Bagnoli 2011). On which grounds is the procedure selected? Constructivists hold that the procedure is not correct because it tracks down some independent moral reality, but because it adequately expresses a shared conception of rational agency. Critics objects that the procedure is either arbitrary or relies on a realist foundation. A convincing reply to the objection should thus take into account both the basis of the construction and its procedural constraints.

To be engaged in any sort of rational decision, agents must be free rather than determined, impeded, or coerced, and they should take themselves to have the same standing as any other agent. As Rawls emphasizes, this conception of rational agency marked by freedom and equality works as the “basis of construction”. This is an important qualification and it should serve as a warning against taking constructivism to be a mere form of proceduralism, which mechanically transforms factual inputs and normative outputs. The distinctive feature of Kantian constructivism is that the form of justification, which can be represented as a procedure, expresses the relevant conception of the constructors as rational agents. The Kantian claim the selected procedure is correct not because it tracks down some moral reality, but because it identifies the practical standpoint from which all deliberation begins. To this extent, the procedure is respectful of the sort of rational agents we are. But this is no concession to realism. To identify the practical standpoint, or to specify the “basis of the construction” is not the same as laying down foundations. The basis of construction is not analogous to a punctum Archimedes and its role is not foundational. Rather, to identify a basis of justification is to say that the issue of justification arises for practical subjects, capable of rational assessment and sensitive to reason. Unlike the Archimedean point from which the evaluator assesses the subject of its inquiry at one remove, the practical standpoint simply identifies an activity, that is, the activity of valuing. In contrast to realists, constructivists do not envision the search of objectivity as a search for the Archimedean point. By contrast, they advocate for a conception of objectivity that results from an ideal agreement among rational agents.

How does constructivism select the relevant conception of rational agency? Rawls says that the relevant conception of rational agency used in Kantian constructivism is elicited from common
moral experience. It is important to explain how constructivists avoid the objection that the basis of the construction is ultimately grounded on arbitrary intuitions. First, the conception of rational agency is abstract and minimal. Second, it largely coincides with our pre-philosophical representation of ourselves. The hypothesis that we act under the representation of ourselves as free and equal is an inescapable mode of self-representation: it constitutes the basis and the condition of possibility of deliberation. Third, it is a practical attitude that we take toward ourselves and others. It is neither a hypothesis that belongs to descriptive metaphysics nor a substantive moral claim. It neither commits constructivists to take a stand in the metaphysical debate about free agency, nor does it recommend that people should be treated equally. It is, rather, a claim about the sort of self-representation that is entailed in exchanging reasons. If we did not think of ourselves as capable of engaging in and having an impact on the world, we would not ask how best to act. Aside of this sort of self-representation, the issue of rational deliberation does not arise. It is the minimal claim that the deliberative or normative question specifically arises for self-reflective agents capable of exchanging reasons. This is a relatively unproblematic claim that Kantians share with other philosophical perspectives. As it appears, the role that the conception of reflective agency plays in the construction is not foundational. The basis does not identify a moral domain or a special sector of reality from which moral conclusions should be derived. Rather, it accounts for the practical rationale of the activity of valuing. Constructivists disagree about what follows from this characterization of rational agency. And, of course, it is open to critics to present objections against any characterization of rational agency. However, these will be substantive objections against the specific conceptions of rational agency. They do not prove the general point that the presence of unconstructed elements undermines the constructivist nature of rational justification. This general point remains ungrounded.

4. Status and scope of procedural constraints

While realists invoke material standards, constructivists invoke formal standards. For Kantians,
there is formal requirement that that the justification should take a universal form. Its function is constitutive. That is, it tells us what counts as a properly formed reason of justification. This methodological norm is amenable to different formulations, such as the forms of Kant’s categorical imperative, Korsgaard’s test of reflective endorsement, or O’Neill’s principle of followability. Even though there are important differences among these formulations, for the sake of the argument I will talk generically of methodological norms. What matters to the present discussion is that such methodological norms work as procedural constraints.

In so far as it is formal, a methodological norm is not constructed, but simply ‘laid out’ (Rawls 2000, 212-214), and thus it stands in need of support. For instance, Kant argues for the categorical imperative as the only method that grants the autonomy and authority of reason. As Rawls instructs, the categorical imperative can be formulated procedurally, even though it is misleading to think of it as a mere decision procedure. More accurately, it is a procedural representation of the requirements of practical reason. The procedural representation is a useful heuristic device (Rawls 1971 21; Rawls 1993, 26). It has the advantage of avoiding the complications of Kant’s transcendental idealism, while pointing out the key Kantian claim, which is that the objective status of reasons importantly depends on the nature of rational agents. It is a general feature of Kantian constructivism that it takes the basic methodological norm to express the relevant conception of the constructors as free and equal rational agents. While formal, such a norm is sufficient to significantly constrain our deliberation.

Constructivists should not be impressed by the objection of empty formalism that seems to threaten Kantian ethics. Their most fundamental concern is not normative determinacy, but authority. Indeed, this is the reason why constructivism is propounded as a promising way of addressing the issue of political legitimacy as a deliberative question. The constructivist starts with qualifying the deliberative contexts marked by value pluralism. We inhabit a world populated by agents like us in fundamental respects, holding different values, interdependent and mutually vulnerable. Our audience is not restricted to the ‘narrow circle’ of loved ones and kindred spirits, so
we need to produce justifications that all relevant others could understand and follow (O’Neill 2002, 57-58, O’Neill 2003, 24-25). Interestingly, this is a principle of intelligibility common to both the theoretical and practical domains. O’Neill’s requirement of followability works as a deliberative constraint in that it selects considerations that qualify as reasons. That is, for something to be called a reason it must be such that all relevant others could not only entertain the thought of, but also consider it as a real option for them, whether or not they would eventually choose to adopt it themselves as a reason (O’Neill 2002, 59).

Since the requirement of followability is also a condition for intelligibility, we should block a possible source of misunderstanding. In the face of unfollowable claims, rational agents would not react as if a lion spoke to them but they could not understand it. To judge that a claim is not followable is to say that it does not withstand proper scrutiny: it is unintelligible as a reason, and therefore not a live option for us as rational agents who are in the business of exchanging reasons. Once the stringency of the requirement is so qualified, an important source of reservations against the constructivism is dismissed.

A second source of perplexity about the potentiality of constructivism concerns the scope of the methodological norm. Critics doubt that that the requirement of universality is sufficient to secure the sort of agreement that constructivists seek. To address this objection, it is important to carefully review the structure of constructivist arguments. Its critics often assume that the argument rests on the assumption that a subject $S$ could not follow $p$ if $p$ derives from assumptions $a_1$-$a_n$ that $S$ does not endorse. In this case, the principle of followability would make the constructivist account of intelligibility depend on actually (and often idiosyncratically) held beliefs. On this reconstruction, the universalizability test of the non-intelligibility of $p$ for $S$ assumes that it is correct for $S$ to judge the followability of $p$, by inferring $p$ from $S$’s set of beliefs $\beta$. If $a_1$-$a_n$ do not belong $\beta$, $S$ would not be in the position to derive $p$; he thus could not follow $p$. To follow $p$, $S$ should be able to infer or derive $p$ from $\beta$. This explanation assumes that for any subject $S$ to rationally justify $p$ amounts to inferring $p$ from some set of held assumptions $\beta$. This reconstruction
is misleading, though. The constructivist test is meant to establish whether \( p \) qualifies as a justified ground for a reason. It says that \( p \) is not a justified ground for a reason if \textit{it could not (possibly) be accepted, regardless of what} \( S \)'s \( \beta \) contains. The claim is modal. It excludes cases where \( p \) is either incoherent or grounded on some partial assumptions \( a_1-a_n \) that not all practical subjects \textit{could} endorse. Interestingly, however, the requirement rules out as not followable also cases where \( S \) does actually endorse \( p \) because and insofar as \( p \) is grounded on \( S \)'s \( \beta \). In fact, the requirement excludes not only cases of arbitrariness but also cases of special pleading. Providing a rational justification for \( p \) does not amount to deriving \( p \) from further assumptions, whether present or not present in \( S \)'s \( \beta \). The constructivist claim is that \textit{any} justification that grounds \( p \) on particular assumptions \( a_1-a_n \) fails to meet the elementary standard of reason, whether or not the assumptions appear to be \( S \)'s own assumptions. What drives constructivists is not a craving for absolute and determined answers on which all rational agents must converge. Rather, it is the preoccupation to exclude arbitrary considerations. Immorality is excluded as a fundamental form of arbitrariness.

The lesson to draw from this discussion is important and it concerns the methods of ethics. The methodological norm is not a criterion to identify the practical inferences that a subject \( S \) could correctly draw given his deliberative set \( \beta \), and those that \( S \) could not correctly draw given his deliberative set \( \beta \). Critics often mistakenly assume that the constructivist account is a form of deduction. But the constructivist account of justification sharply differs from the deductive form of practical reasoning that is privileged by foundationalist theorists and often associated with Kantian deontology. In fact, constructivists decisively oppose the deontological interpretation of Kantian ethics as profoundly mistaken.\(^\text{vi}\) The agenda of constructivism is far more radical than many of its critics assume. It purports to be a genuine alternative to the classical forms of practical reasoning.

\textbf{5. Coordination and disagreement}

Kantian constructivism agrees with the basic tenets of the rationalist tradition that reason is a successful instrument for coordination. Indeed, it also shares the rationalist claim that morality is a
fundamentally cooperative enterprise. Its distinctive claim is that coordination is something we have to produce, by endorsing principles of action that others could share as reasons. For instance, O’Neill takes the requirement of universality or followability to secure “the necessary conditions for any coordination, however minimal, by those among whom the reasoning is to count” (O’Neill 2002, 60). To identify the requirement of universality as a necessary condition for basic coordination commits to the claim that it is also “the most fundamental principle of practical reasoning” (O’Neill 2002, 60). This requirement constrains any basic coordinative enterprise, such as action and communication.

In contrast to teleological justification, constructivists do not conceive of coordination as an end to achieve, but as a problem to solve (Korsgaard 2003). The difference is subtle but important, and to adequately assess the prospects of constructivism, it is crucial to take seriously this claim. Practical reasoning is a resource to address practical problems. The problem of coordination is particularly challenging in contexts marked by pluralism, but it is not generated by pluralism. The demand that we act in concert is pervasive in the social worlds, where agents are mutually dependent and reciprocally vulnerable. In all such contexts the issue of coordination importantly arises. The peculiar challenges that value pluralism presents is that in contexts marked by value pluralism, rational agents do not share the same conception of the good, do not have the same goals, and even more dramatically, they do not each have a unified account of value to pursue. Value-pluralism is a significant complication not only in planning shared or collective actions, but also and more basically in planning individual action. Kantian constructivists hold that this problem is to be solved by rational deliberation because they think of reason as capable of providing arguments of unrestricted authority. They contend that reason provides a solution to the problem of coordination. In contrast to other sorts of rationalists, however, Kantians hold that the solution is the particular sort of coordination marked by equal respect and mutual recognition that is called cooperation. Neither coordination, nor cooperation is understood as “the end”. Coordination is the problem to which cooperation is the solution. The structure of the constructivist argument is thus not end-
The question remains, however, as to whether the constructivist account of cooperation as a solution to the problem of coordination is convincing. The popular view is that the constructivist defense of cooperation is not thoroughly constructivist, as it rests on some unconstructed evaluative assumptions, e.g. the value or dignity of humanity (Watkins and Fitzpatrick 2002, Fitzpatrick 2013). To reply to this objection it is important to examine the role that the claim about equal respect and recognition play in the constructivist argument for cooperation.

The hypothesis about rational agency works as the basis of construction in the sense that it identifies the practical standpoints from which the practices of exchanging reasons make sense. It is not a piece of descriptive metaphysics, but a practical stand. On this minimal construal, rational agency amounts to the capacity to be guided by values and norms. The relevant conception of normative guidance includes the capacity to conceive of a norm and act under its representation. Normative guidance is not limited to acting according to a norm, as when we follow instructions or orders. Arguably, one can follow and execute orders without being guided by them. More significantly, rational agency requires the capacity to act on the basis of some norms, that is, driven by the subjective understanding of the content of such norms.vii

The critic may question that the commitment to rational agency is one that holds universally for all. The argument provided by Kantian constructivists is that commitment to rational agency is constitutive of our being human. It is unconditional and universal insofar as it is not escapable. In action theory, this claim is called constitutivism, and is the focus of a growing debate.viii The constructivist sides with the constitutivist and argues that one cannot opt out of rational agency. We can choose to suspend ordinary activities such as strolling or reading a newspaper, but we cannot stop engaging in any form of agency at once. During the suspension of ordinary activities some form of rational agency is nonetheless present. This is because even when we refrain from performing action, there is a basic sense in which we are still active. The Kantian argument is that being reflective counts as a form of activity. Since our minds are by constitution self-reflective,
some sort of activity is present even when we are not performing an action. In this basic sense, rational agency is not optional, and to this extent it is inescapable. It is a constitutive feature of our human condition insofar as it depends on the self-reflective structure of the mind.

This hypothesis about reflexivity and rational agency, however cashed out in detail, is not challenged by the fact of pluralism or the claim that values are incommensurable. On the contrary, the fact of value pluralism gains relevance exactly because of the hypothesis of rational agency. Values matter because we take ourselves to be capable of being guided by them. We are worried by values we do not share because we recognize others to be capable of being guided by ideals we find dangerous, repugnant, or simply not worthwhile. We sanction morally indecent practices because we recognize others capable of entering such practices responsibly. But who are “we”? Kantians hold that membership in the moral community is open to anyone capable of exchanging reasons, hence capable of mutual recognition. This is because they take the practice of exchanging reasons to be informed by the principle of recognition of mutual standing.

Is this claim about recognition of equal standing such that it undermines the constructivist nature of the rational justification that constructivists provide? To answer in the positive one needs to show that the principle of equal respect and recognition is necessarily founded or derived from the value of humanity. In the next section, I will argue for a dialogical construal of this key practical attitude, which does not assume realism.

6. Equal respect and mutual recognition: the dialogical account

Liberal theories accord an important place to respect for persons, but there is a divisive scholarly disagreement about the notions of “respect” and “recognition” and their role.1x The question for us is whether respect must play a foundational role in the justification of liberalism. Critics object that constructivism is ambiguous in this regard and avoids the important question. Charles Larmore holds that “political liberalism, conceived as a strictly political doctrine, rests on this moral foundation of respect” (Larmore 2008, 149), and criticizes Rawls/Rawlsians for losing sight of the
moral values that inspire the liberal project (Larmore 2008, 139 ff.) To reply to this objection that constructivism is realism in disguise it is sufficient to show that respect and mutual recognition play a central role in the constructivist justification, but not a foundational role. These notions can be construed without assuming a realist account of value such as the absolute value (or dignity) of humanity.

In the constructivist model of justification, the qualifiers in “equal respect” and “mutual recognition” are meant to point to a relation of reciprocity among agents. The context of discussion is the social world, populated by interdependent and mutually vulnerable persons, where coordination is a problem. How exactly is coordination a problem? Let us start with a very simple example. Each of the inhabitants of this world claim goods, and goods are scarce. By claiming their supply of goods in such a situation, each inhabitant makes claims on others that their demand be satisfied. What are the grounds of such demands? It is important to distinguish two levels at which this question arises. First, we should ask how and on which ground others are entitled to make these demands. A second, separate issue is how and on which ground one agrees to satisfy others’ requests. The first is an issue that concerns the normative status of persons to make demands. The second concerns the normative schemes of distributions of goods.

It is easy to equivocate the role that respect plays in these two related but separate levels of justification. At the first level, the notion of equal respect and mutual recognition is a practical attitude that demands recognition of equal standing. Nothing more derives from it, except the requirement that all claims be heard. At the second level, instead, respect serves as the substantive ground for a just distribution. This second normative role of respect should be bracketed when we are assessing the prospects of Kantian constructivism. The requirement of followability, as well as any other formulation of the universality requirement works as a deliberative constraint but it does not directly prescribe any determined scheme of distribution. The requirement of followability deploys the notion of respect as a generic recognition of status. Under this capacity, respect commands that we relate to each other as “self-originating sources of valid claims” (Rawls 1980, 546).
The crucial question is whether the recognition of equal status is an act that constructivism can successfully explain without resting the argument on the absolute value of humanity. According to critics, it cannot. The prospects of such an argument to be authoritative depend on its completion by an additional argument proving the value of humanity to be the true one. Interestingly, this is a position that several Kantians share. These Kantians side with realists against constructivists because they hold that rational justification begins with the recognition of a moral fact, namely, the value of humanity. Accordingly, they take respect to be the practical attitude we owe to others because it responds to the recognition of a substantive value property. It is the attitude fit to a specific sort of substantive value. On the basis of this construal of respect, we are under the requirement to respect others because and insofar as others possess a given value property (e.g. dignity or autonomy of the will). The question arises how to show that others embody some such value.

Instead, the constructivist is not under pressure to provide any proof of the value of humanity. This is because she can take respect as constitutive mode of valuing persons as such. I call this account of respect dialogical. Respect is the practical attitude of holding each other accountable, rather than the fit response to a value property. It is a normative relation that we entertain with ourselves and with others, rather than a form of epistemic awareness. This is simply to say that respect and mutual recognition is part of the basis of construction.

Respecting others as sources of valid claims means respecting them as constraints on our deliberation. This indicates that respect is the source of procedural constraints. However, the substantive implications of respect are undetermined and indirect. Recognizing others as having equal standing allows us to enter dialogical practices of exchanging reasons, but it does not force us to actually share or endorse the content of others’ reasons. Nor it binds us to specific ways to treat them. The requirement of universality does not command homogeneity, nor is the dialogue directed to produce some sort of convergence on a specific set of assumptions. The dialogue creates a public arena where moral differences are recognized as based on reasons that we cannot simply dismiss.
We can challenge such reasons as reasons, that is, dispute their validity, weight, and importance; but we cannot ignore them just because they are not ours. To respect others means to grant them equal standing and thus enter in a dialogue with them as our peers.

7. Some comparative merits of KC

The dialogical interpretation presents some important advantages over its competitors. First, it has the merit of addressing directly the issue of authority, which seems to elude the realist interpretation of respect. Realism holds that there are certain moral properties of facts that make persons worthy of respect. However, it is problematic for realism to show that it is the possession of this particular moral property that makes persons authoritative sources of valid claims. Correspondingly, realism is at loss to explain how it is that mere awareness of another’s existence makes evaluators sensitive to their status and responsive to the authority of others.

Secondly, the dialogical interpretation avoids the ontological and epistemological issues that arise for realism. For instance, how do we know whether and to what extent persons possess autonomy of the will, which is the metaphysical basis of the dignity of humanity? And what is the range of this property? The dialogical view takes dignity and respect to be a nominal or relational property, namely, a property of entertaining a normative relation of mutual recognition with others. The relation with others is neither prior to nor supervenient on any other basic properties. There are no substantive properties that make anyone worthy of respect or entitled to be respected. The relation of mutual recognition is exactly what constitutes equal respect. The epistemology associated with the dialogical view of respect is itself dialogical. It requires nothing more than open discussion and reciprocal scrutiny.

Third, the dialogical view offers some significant advantages over the view that the ontological ground of respect for persons is provided by the social practices of recognition. Social accounts of recognition agree that respect is a relational notion, but they take it to be determined by concrete members of concrete communities. Such views are driven by the conviction that
recognition should be cast in terms of actual practices that involve concrete individuals. They object
against the Kantian view of respect that it is too formalistic and abstract to do justice to individuals,
and thus at risk of ignoring morally relevant differences. In contrast to the Kantian models, such
theories insist that the relevant dialogue takes place in the concrete arena. These proposals adopt
material criteria of correctness, and thus they renounce the very idea that rational justification
exhibits unconstrained and unconditional authority. To this extent, they are unfit to furnish the basis
of political liberalism. When combined with a realist view of moral values, liberalism becomes a
comprehensive moral doctrine faced with the objection of dogmatism.

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abbreviated G).

As Korsgaard puts it, “the realist’s belief in the existence of normative entities is not based on any discovery. It is based on his confidence that his beliefs and desires are normative”, Korsgaard 1996, 48, see also 64-66, 40ff, 90.

Kant Ak 425-426, 4:433. Notice that for Kant the purpose of the moral law is for the rational agent “to appraise himself and his actions from this point of view”, and this leads to the idea of universal cooperation represented as the kingdom of ends, Kant, *G 433*, also *G 425-426.*

Raz 1990, 23.

Valentini and Ronzoni argue that Cohen misses his target because he does not engage with constructivism at the right level. On this point I disagree with them, even though I agree that Cohen’s fact-insensitivity thesis does not provide a successful refutation of constructivism. I also
disagree with Ronzoni and Valentini that “justified fundamental normative principles are fact-sensitive follows from a commitment to agnosticism about the existence of objective moral facts”.

Korsgaard emphasizes the practical significance of constructivism by focusing on the deliberative or first person perspective, see Korsgaard 2003. For a critique of the proceduralist interpretation, and an alternative definition in terms of practical standpoint, see Bagnoli 2011a, Bagnoli 2013.

Herman 1993, 208-243. Rawls’ Lectures on Kant’s moral philosophy were conceived as the attempt to correct this mistake, see Rawls 2000.

The claim is not that such a capacity should be effectively exercised, so it allows for cases where rational agents fail to act on their best judgment.

Critics object that rational agency is optional and conditional as any other ordinary activity in which we engage, see Bagnoli 2011a.

For Rawls this disagreement reveals that respect is not “a suitable basis” for political liberalism, Rawls 1971, 586.

A complete argument for this account is offered in Bagnoli 2007, 2011b, 2013, 2014a, 2014b.