Kantian Constructivism, the Issue of Scope, and Perfectionism: O'Neill on Ethical Standing

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Abstract: Kantian constructivists accord a constitutive, justificatory role to the issue of scope: they typically claim that first-order practical thought depends for its authority on being suitably acceptable within the right scope, or by all relevant others, and some Kantian constructivists, notably Onora O'Neill, hold that our views of the nature and criteria of practical reasoning also depend for their authority on being suitably acceptable within the right scope. The paper considers whether O'Neill-type Kantian constructivism can coherently accord this key role to the issue of scope while adhering to the universalist, 'cosmopolitan' commitments at its core. The paper argues that this is not so. On the one hand, it shows that O'Neill's attempt to 'fix' the scope of practical reasoning supposes, rather than establishes, a view of ethical standing and the scope of practical reasoning. On the other hand, the paper argues that Kantian constructivism should endorse a non-constructivist, perfectionist view of the good to determine that scope. The paper thereby supports the perfectionist conjecture that Kantian constructivism, in order to defend its universalist commitments, should take refuge in non-constructivist, perfectionist considerations, and that Kantian constructivism should therefore construe perfectionism as a partial, though uneasy, ally.

1.

For practical constructivists, the issue of the scope of practical reasoning is of special importance. In one way or other, they endorse the view that stretches of practical thought, such as principles of justice or moral value judgements, have epistemic-practical authority only if they are, in some qualified sense, acceptable *by the relevant others*. Thus, we need to be able to know by whom, or within what scope, stretches of thought must be acceptable before we can know what stretches of thought we may construe as reasonable, correct, or valid—to mention just some of the signifiers of epistemic-practical authority that practical constructivists often use. On such a view, then, conceptions of the scope of practical reasoning mark a constitutive condition of the attempt to determine the

authority of the stretches of thought to which the constructivist acceptability requirement is applied.

There are various forms of practical constructivism—e.g. the 'political' brands advanced by Rawls, Larmore, or Macedo, Gauthier-type Hobbesian, instrumental views, Habermas's discourse ethics, and the more strictly Kantian approaches of philosophers like Korsgaard and O'Neill—and one respect in which forms of practical constructivism can differ concerns the levels of thought at which the issue of scope is taken to play its constitutive role.[1] This issue can be accorded a constitutive role at the level of substantive, first-order practical reasoning *only*. In this case, only stretches of first-order practical thought, such as principles of justice or moral value judgments, are subjected to a constructivist acceptability requirement. More fundamentally, however, the issue of scope can also be accorded a constitutive role at the level of higher-order thinking about the nature of practical reasoning. In this case, conceptions (theories, accounts) of practical reasoning are subjected to a constructivist acceptability requirement, and so are taken to have authority only if they are, in a suitably qualified sense, acceptable by the relevant others. In having this two-level constitutive role, the issue of scope takes on a *transcendental* role: identifying the scope of practical reasoning becomes a matter of meeting key conditions of the possibility of self-transparently reasonable practical thought.

Given the fundamental importance that they accord to the issue of scope, practical constructivists must ensure that their views of the scope of practical reasoning are well-founded: the acceptability and cogency of practical constructivism depends on this. What this discussion aims to do, then, is to examine an account of the scope of practical reasoning that has been advanced by a leading contemporary Kantian constructivist, namely, Onora O'Neill. O'Neill seeks to ground a universalist view of the scope of practical reasoning—or, as she also refers to it, the 'domain of reason or of ethical consideration', the 'scope of ethics', or the 'scope of ethical standing'[2]—on inevitable presuppositions of other-regarding activity. As we shall see, her case about the scope of practical reasoning fails, but its failure is instructive: it brings out limitations of Kantian constructivism's view of reasoned thought; it also provides *constructivist* support for what we might call an anti-constructivist, *perfectionist* conjecture, namely, the conjecture that there are perfectionist value judgements at the normative core of Kantian constructivism. But before it makes much sense to elaborate further on this conjecture and on the aims of my discussion, it is best to first say more about O'Neill's view of reasoning and the challenge that the issue of scope poses if reasoning is understood in her purist Kantian terms.

To begin with, then, O'Neill puts the issue of scope at the centre of all attempts to understand, and carry out, reasoned thought. In her view, *anything* that is to count as reasoned or reasonable, must be 'followable' by the relevant others.[3] This 'requirement of followability' entails:

(RF1) Stretches of first-order practical thought are reasoned or reasonable only if they are followable *by all relevant others*.

(RF2)   Views of the nature first-order practical reasoning—including, as it were, the view expressed by (RF1)—are reasoned or reasonable only if they are followable *by all relevant others*.

On this view, all forms of reasoning must be followable at least 'in thought', while practical reasoning must be followable also 'in action'.[4] It is not easy to pin down exactly what followability, or the notion of followability employed by O'Neill, requires.[5] According to O'Neill, however, reasoning is followable in thought only if all relevant others could coherently accept it. Reasoning is followable in action, in turn, only if all relevant others could act on it. O'Neill takes the requirement of followability to express the same principle as the universal law formulation of Kant's Categorical Imperative, but she sees the latter not simply as a basic standard of moral reasoning, but as expressing *the supreme principle of reason*.[6] Evidently, then, O'Neill-type Kantian constructivism accords a fundamental, transcendental role to the issue of scope.

Now, achieving followability within the right scope is no trivial matter: thought that many find convincing can nevertheless fail to be followable within the right scope. In fact, considerations of scope ground O'Neill's rejection of Kantian constructivism's main competitors. Platonist, instrumentalist and particularist forms of practical thought, O'Neill claims, fail to be followable within the right scope:

> [Platonist or perfectionist or realist] [a]ppeals to practical reasoning that is (supposedly) oriented by some conception of the objectively good will be arbitrary unless the necessary metaphysics that establish that objective good and knowledge of it is available: those who do not accept the appropriate metaphysical and other arguments and positions may find proposals that depend on invoking them at worst incomprehensible and at best conditionally reasoned. [Instrumentalist] [a]ppeals to merely instrumental practical reasoning that subserves subjective ends are barefacedly arbitrary: they will seem at worst incomprehensible and at best conditionally reasoned to those who do not share those ends, or do not think them of value. (. . .) Equally, [particularist] appeals to the actual norms of a society or tradition, or to the actual sensibilities, attachments and commitments of individuals will seem at worst incomprehensible to those who do not grasp those norms and commitments and at best merely conditionally reasoned to those who grasp but do not share them; in either case they will seem arbitrary. (O'Neill 1996: 51)

This does not deny that there are relevant others who can coherently accept, and thus can follow, Platonist, instrumental and particularist thought. Rather, O'Neill argues that such thought fails to be followable by *all* relevant others, and or *within the right scope*.

How can the scope of practical reasoning be determined? If O'Neill is right, then many often-pursued accounts of the grounds for inclusion in the scope of

practical reasoning will fail to be suitably followable. Neither Platonist appeals to a metaphysically grounded objective value of people or their inclusion in the scope of practical reasoning would do, nor would it be enough to appeal to an instrumental value that their inclusion might have for some people or other. Nor, not least, could due followability be ensured by particularist appeals to the practices and norms of 'our' form of life, or 'our' political, religious, social and other traditions. Such arguments would instantiate forms of practical thought that, as O'Neill insists in the above passage, would not be suitably followable. Still, O'Neill insists, there is an approach to the issue of scope that is suitably followable: namely, her own, 'practical' approach. This approach is practical in at least two ways. It tries to resolve questions of scope as they arise in actual practice. At the same time, it is grounded in the presuppositions of other-regarding activity. By O'Neill's lights, the very assumptions that we inevitably suppose about others whom we take to be on the receiving end of our activity determine within what scope our practical reasoning must be followable.

It is worth highlighting just how ambitious O'Neill's practical approach is. On the one hand, for O'Neill, there are features such that where we ascribe to others these features, we *must*, by pain of incoherence, or unreasonableness, include them in the scope of our practical reasoning. On the other hand, she claims that agents must accept that they ascribe these features to indeed *everyone* whom they take to be on the receiving end of their activity, and so must embrace the ethical implications of ascribing these features to them (O'Neill 1996: 106). Activity is thereby understood in a very wide sense: for O'Neill, activity covers, amongst other things, '*individual acts and responses, feelings and attitudes, support for policies,* and *participation in practices*' (O'Neill 1996: 99, 106, her italics). It would follow that agents cannot coherently, or reasonably, refuse to include in the scope of practical reasoning all others whom they take to be on the receiving end of their intellectual and non-intellectual activity. Thus, the scope of practical reasoning might not be *strongly* universal in including truly everyone who was, is, and will be capable of inclusion in that scope. But it would at least be weakly universal (or 'cosmopolitan') in being fully universal within the scope of our other-regarding activity. Not least, O'Neill's approach aspires to be compelling within reason for indeed every agent engaged in other-regarding activity, widely construed.

This marks a remarkably tall order. In fact, it seems to mark too tall an order to meet by constructivist means alone. How, we may wonder, can ethical universalism be based on presuppositions of all forms of other-regarding activity, including activity that seeks to abuse, harm and destroy other people? And if we ground ethical universalism at least in part on such presuppositions, how could we avoid invoking independent ethical content, such as assumptions about the importance of other people or their inclusion in the relevant scope—content, that is, that is accorded authority even if some agents cannot coherently accept it, such as Nazis, ethnicists, and other fanatics? The target of these questions is not O'Neill's ethical universalism, but her implied view that a case for ethical universalism can meet the constructivist acceptability requirement. What I want to do below, then, is two-fold. First, I will examine whether O'Neill's

case about the scope of practical reasoning succeeds in its own right. And in doing so, second, I want to provide support for what I called earlier the perfectionist conjecture; namely, the conjecture that Kantian constructivism, in order to defend the ethical universalism at its core, needs to make perfectionist assumptions. Adjusted to the case at hand, this is the conjecture that O'Neill has reasons to accept that inclusion in the scope of practical reasoning is a good that does not depend for its authority on its acceptability, or followability.[7] I aim to defend this conjecture as far as possible by way of an internal criticism of O'Neill's views. The rationale for this is that such an internal criticism yields *constructivist* support for that conjecture—support, that is, that avoids metaphysical or epistemological suppositions that Kantian constructivists from the outset reject, and that invokes grounds that are followable, and hence can count as reasoned or reasonable, from O'Neill's point of view.[8]

My argument proceeds in two main steps. After some additional preparatory remarks in section 2, sections 3 and 4 critically reconstruct core components of O'Neill's approach to the issue of scope. On that basis, sections 5–7 diagnose the problem at the core of this approach and outline why O'Neill, given that problem, should accept the perfectionist conjecture.

2.

O'Neill, I take it, seeks to establish a claim like:

(S) It is unreasonable for agents not to include all others in the domain of reason or of ethical consideration with whom or on whom they take themselves to interact or act. (O'Neill 1996: 65) [9]

Her case for (S) comes in two main parts. The first part advances a view of the presuppositions of other-regarding activity; the second part seeks to link this account with the view of the scope of practical reasoning expressed in (S). Before I turn to the first part of that case, three remarks are appropriate.

The first remark concerns the idea of reasonableness employed in (S). O'Neill premises her case on a normatively thin idea of reasonableness. The unreasonableness referred to in (S) allegedly consists in a mere *incoherence* of not including the relevant others in the relevant scope, given the implications of our other-regarding activity—rather than, say, a thick, ethically rich kind of unreasonableness that would involve a failure to comply with some prior idea of the value of other people or their inclusion in the scope of practical reasoning. It is clear why O'Neill has reasons to avoid premising her case on an ethically rich idea of reasonableness. Supposing an ethically rich notion of reasonableness would name, rather than resolve, the problem of scope, for the question would still be for what reason, if any, agents should accept the ethical content that is built into the corresponding notion of reasonable agency.

Next, we should get an ambiguity in O'Neill's notion of the scope of practical reasoning out of the way. As we have seen already, O'Neill uses various notions

to refer to that scope—she calls it the scope of practical reasoning, or of ethical standing, or of ethics, or the domain of reason or of ethical consideration.[10] This in effect leads to pervasive ambiguity in her writing on the topic. On a weak reading of the notion, including X in the scope of practical reasoning means or involves accepting that X, or X's good (or well-being, interests, desires, preferences, and so forth), matters morally, and so merits some kind of non-instrumental protection or support. To fix ideas, we might refer to this as the scope of *moral consideration*. On a strong reading, however, including X in the scope of practical reasoning means or involves including X in the scope of justification, or, given constructivism, of acceptability, or followability, and so involves according to X the strong *discursive* standing of someone by whom stretches of thought must be followable in order to have epistemic-practical authority. We might refer to this as the scope of *discursive respect*. Plainly, these two notions of scope are distinct. That X's good matters morally does not entail that the *way* in which X's good matters morally must be justifiable to X. That is, reasons for inclusion in the scope of moral consideration are not necessarily reasons for inclusion in the scope of discursive respect. Now, it seems safe to assume that O'Neill ultimately aims at conclusions about the scope of practical reasoning in the strong, discursive sense. After all, it is her case for (S), if anything, by which she establishes within what scope practical reasoning must be followable. Thus, I shall subsequently take it as read that (S) is or entails a view of the scope of practical reasoning in the strong discursive sense, and otherwise follow O'Neill's terminology.

Not least, third, O'Neill often puts matters not in terms of the followability of an agent's thought by all others whom the agent take to be on the receiving end of her activity, as (S) would suggest, but in terms of the followability of an agent's thought by all others 'for whom it is to count as reasoned' (O'Neill 1996: 51). It is worth pointing out that the latter phrasing does not entail a second criterion of scope—a criterion, that is, that would compete with O'Neill's argument from the presuppositions of other-regarding activity. Instead, what surfaces in that phrasing is an idea at the heart of much universalism in practical philosophy, namely, the idea that justificatory scope must match applicative scope, or that practical views must be justifiable to everyone to whom they apply. We might refer to this as *justificatory universalism*. Now, I take it, O'Neill's approach to the issue of scope in effect manifests the concession that justificatory universalism cannot be taken for granted, but needs vindication, while her argument from the presuppositions of other-regarding activity attempts to provide, or at least to go some way toward providing, some such vindication. Of course, for this approach to be viable we would need to be able to construe the raising of validity-claims as stretches of other-regarding (intellectual) activity. And while O'Neill's notion of activity seems wide enough to allow for this, she leaves open how validity-claims can be construed in such terms. Still, for what matters now, let us grant that validity-claims could be construed accordingly, and that they hence are within the horizon of her approach to the issue of scope.

3.

Turning now to the first part of O'Neill's case for (S), her view of the presuppositions of other-regarding activity can be summarized quite briefly. Whenever we take ourselves to interact with or act on others, she submits, we presuppose many specific assumptions about these others and our relation to them. These assumptions can vary greatly across agents, activities, and contexts, but, O'Neill insists, they can be grouped under three abstract headings, namely, the headings of *plurality*, *connection* and *finitude* (O'Neill 1996: 100f). Only if assumptions under all three headings are made is there 'a basis for agents to determine which others they are committed to according ethical standing and consideration' (O'Neill 1996: 101). Activity presupposes *plurality* wherever we premise it on assumptions to the effect that there are others, individuated by us or not, who, to some degree at least, are independent 'sources of activity' that are capable of acting or reacting in response to the effects of activity (O'Neill 1996: 102f, 115). Activity presupposes *connection*, where we take there to be a 'real possibility' that our activity has direct or indirect causal influences on others (O'Neill 1996: 105f, 116–8). Not least, our activity presupposes *finitude* wherever we take our recipients to be limited enough in their powers to be vulnerable to the effects of our activity (O'Neill 1996: 106, 109–11).

Suitably simplified, this boils down to a view such as this:

(P1)   Whenever agents take themselves to interact with or act upon others, they take these others to be independent sources of activity that are connected and vulnerable to them.

(P1) seems plausible enough. Perhaps it is not the case that *all* stretches of activity that could intelligently be taken to address human *others*, or to be *other*-regarding, assume a conjunction of plurality, connection and finitude. For instance, a nurse might quite intelligibly take her irreversibly comatose patient to be a vulnerable and connected human other, but not also as an *independent* source of activity—if by the latter we mean something that involves the power to initiate actions in a suitably purposive and controlled manner. Still, assumptions under all three headings are made where we take the recipients of our activity to be concrete empirical agents, or real people like you and me.[11] If I claim that the recipients of my activity are real people, but then go on to *deny* that they are somehow connected to me, or that they are to some degree capable of independent agency, or that they could at least in principle be harmed by the effects of my activity, something must have gone wrong. I would give you reason to believe that I do not actually intend to refer to real people, or do not know what real people are, or, not least, that I am being incoherent: my claim that I interact with or act on real people is not fully intelligible unless I also assume a conjunction of plurality, connection and finitude. If this is so, then (P1) seems true of at least that sub-class of activity that addresses real people, or beings the agent takes to be real people.

Even if we grant (P1), however, more is necessary to determine the scope of practical reasoning. The descriptor 'vulnerable and connected independent source of activity' in (P1) is ethically neutral: it neither prescribes nor prohibits any line of behaviour toward the beings to which it applies, and so leaves open how we are to relate to others whom we take to be such sources of activity. True, many people already endorse a view of ethical standing by which the presence in a being of the property of being a connected and vulnerable independent source of activity, or of features associated with that property, counts as a reason to accord ethical consideration to that being. And it might also be the case that we perceive (some) other people in ways that inextricably fuse awareness of their agency with a commitment to their ethical standing. By itself, though, (P1) does not dictate the adoption of any view of ethical standing that would accordingly conjoin our construal of other people as vulnerable and connected agents with a commitment to their ethical standing.[12]

Not least, O'Neill has reasons to keep her account of other-regarding activity ethically neutral. (P1) ranges over *all* other-regarding activity, including, as it were, activity that deliberately harms, injures or destroys others (think of torturers or contract-killers), and activity that is premised on a conscientious and intelligent rejection of even weak forms of ethical universalism (consider ethical particularists). If (P1) was rich enough in ethical content to by itself rule out such stretches of activity, then this would cast doubt on its reconstructive adequacy. In being ethically neutral, though, (P1) from the outset steers clear of this problem.

4.

Turning next to the second part of O'Neill's case, she first claims that agents might not always *be aware of*, or *consciously recognize*, the assumptions that they, or their other-regarding activity, actually presuppose (O'Neill 1996: 102). Yet, second, it is incoherent, or unreasonable, to deny the assumptions of plurality, connection and finitude where they are actually presupposed. But if this is so, O'Neill seems to conclude, we must accord ethical standing to all others about whom we make these assumptions. Here are three exemplary passages:

> [Forms of plurality, connection and finitude] cannot be assumed for action or in taking up attitudes or in supporting policies and relying on practices, but then denied when ethical questions arise. In particular when agents *commit* themselves to the assumption that there are certain others, who are agents or subjects with these or those capacities, capabilities and vulnerabilities, they cannot coherently deny these assumptions in working out the scope of ethical consideration to which they are committed. Commitments to others' ethical standing are taken on as soon as activity is planned or begun. (O'Neill 1996: 100)

> What is assumed for purposes of activity must also be assumed in fixing the scope of ethical consideration. (O'Neill 1996: 106, her italics)

> Whenever activity assumes a plurality of finite and connected others, [agents] are also committed to including those others within the scope of their ethical consideration. (O'Neill 1996: 113)

These passages suggest a view to the effect that agents cannot coherently, or reasonably, deny the assumptions of plurality, connection and finitude that they actually make about others, and *therefore* must accord ethical standing and consideration to them:

(P2)   Agents cannot coherently deny the assumptions of plurality, connection and finitude that their other-regarding activity actually presupposes.

(P3)   Since agents cannot coherently deny the assumptions of plurality, connection and finitude that their other-regarding activity presupposes, they must accord ethical standing to all others with whom or on whom they take themselves to interact or act.

It is important to point out that (P2) and (P3) do not rehearse a case about ethical standing already made, but are at the very core of what O'Neill puts forward to establish her view of scope in the first place. And yet, these claims seem to *raise*, rather than *answer*, the question of why we are to accord ethical standing to others about whom we make the relevant assumptions. But this, it would seem, is the question that O'Neill's case would need to answer. I shall return to this shortly. For now, a comment on (P2) is in place.

Activity can presuppose assumptions that are false or misguided, or that are made blindly or without due care. Even if there is a sense in which it is incoherent to deny these assumptions where they are actually presupposed, then, there can nevertheless be good reasons not to rely on them in our best attempts to determine the scope of practical reasoning. In addressing such concerns, O'Neill argues that the assumptions we presuppose in our activity tend to be 'adequately accurate' since we (by and large successfully) try to premise activity on accurate representations of our practical environment, including our social environment, in order to avoid failure, injury, or worse (O'Neill 1996: 106). Now, this does not really lay these concerns to rest in a way that is aligned with the purposes of a practical approach to the issue of scope. The fact (if it is a fact) that I tend to accurately represent my environment does not supply me with a guideline by which I can avoid misrepresenting it, but supposes that I have some such guideline. For what is relevant now, though, let us grant what appears to be O'Neill's main point. Let us assume, that is, that where we presuppose assumptions of plurality, connection and finitude, it is incoherent, or unreasonable, to deny their content, and partly so as they tend to be adequately accurate.[13]

5.

As the main elements of O'Neill's case for (S) are now before us, we should move on to consider what this case actually achieves. This case, we have seen, boils

down to an argument such as:

(P1)   Whenever agents take themselves to interact with or act upon others,
        they take these others to be independent sources of activity that are
        connected and vulnerable to them.
(P2)   Agents cannot coherently deny the assumptions of plurality, connection
        and finitude that their other-regarding activity presupposes.
(P3)   Since agents cannot coherently deny the assumptions of plurality,
        connection and finitude that their other-regarding activity presupposes,
        they must accord ethical standing to all others with whom or on whom
        they take themselves to interact or act.
∴ (S)   It is unreasonable for agents not to include all others in the domain of
        reason or of ethical consideration with whom or on whom they take
        themselves to interact or act.

Does this case work? This is quite plainly not the case. (P1) holds, but, we have
seen, is ethically neutral. And if (P1) is ethically neutral, so is (P2). As to (P3), this
claim rehearses the aspiration of O'Neill's case, rather than adding something to
it that would help it to meet this aspiration. O'Neill's case aspires to show that
the ethical standing of others can be anchored in the presuppositions of our
other-regarding activity. And this is restated, rather than supported, by (P3). In
fact, (P3) amounts to little more than a version of the conclusion of O'Neill's case.
In essence, both (P3) and (S) demand that we accord ethical standing to all others
whom we take to be on the receiving end of our activity. But that this actually *is*
something that we should do is what O'Neill sets out to establish in the first
place. The question of whether her case establishes its conclusion, namely, (S),
more or less is the question of whether it establishes (P3).

   It thus seems that there is a non sequitur at the normative core of O'Neill's
approach. What she shows, if anything, is that where we take other people to be
on the receiving end of our activity, we take them to be vulnerable and connected
independent sources of activity (and cannot coherently, or reasonably, deny that
they are such sources). Yet this leaves open *why, if* we take them to be such
sources of activity, we must, by pain of incoherence, or unreasonableness, include
them in the scope of practical reasoning. But this is what an approach to the issue
of scope would need to show if it seeks to determine whom we are to include in
the scope of practical reasoning in the first place. At best, for all we have seen,
O'Neill's approach provides orientation only for those agents who *already endorse*
a view of ethical standing by which all vulnerable and connected independent
sources of activity, or beings the agent takes to be such sources, merit ethical
standing and consideration. It remains open, though, why it would be
incoherent, or unreasonable, not to endorse such a view of ethical standing in
the first place.

   It is worth adding that a similar result looms on a slightly different reading of
O'Neill's case. I have so far read her as trying to show whom we are to include in
the scope of practical reasoning in the first place. This is on the lines of the bulk of
her writing on the topic. Still, O'Neill sometimes suggests that she seeks to

establish not whom we are to accord ethical standing in the first place, but whom we are to accord that standing *if* we are already committed to according that standing to some others—as most of us are. On such a reading, her approach, I submit, boils down to something like this:

> We already accord ethical standing to some other people whom we take to be vulnerable and connected independent sources of activity. However, we must accept, by pain of incoherence, that all people with whom or on whom we take ourselves to interact or act are such sources (this reflects (P1) and (P2)). Thus, it is unreasonable for us not to include in this scope everyone with whom or on whom we take ourselves to interact or act (this reflects (P3) and (S)).

This advances an *expansion argument*. In essence, it argues that since agents already accord ethical standing to *some* vulnerable and connected independent sources of activity, they cannot reasonably refuse to accord that standing to *all* others whom they are committed to construe as such sources.

Again, a non sequitur looms large. This expansion argument can get off the ground only if we accord ethical standing to others *because*, or *for the reason that*, they are, or we take them to be, vulnerable and connected independent sources of activity. Now, if we suppose (P1) and (P2), then we must concede that we construe all others whom we take to be on the receiving end of our activity as such sources. And while this holds, too, where we already include others in the scope of practical reasoning, it does *not* follow that we include others accordingly *because* we take them to be such sources. If you include Betty in that scope and if you take her to have property *P*, it does not follow that you include her in that scope *because* she is (or you take her to be) *P*. It does not even follow that you must take her being *P* as *a* reason to include her accordingly, or that you may not include her on other, unrelated grounds. By implication, if you take Betty and Paul to be vulnerable and connected independent sources of activity, but you include Betty and not Paul in that scope, then this might not manifest that you are incoherent, or, say, that you fail to fully appreciate the true reason why you include Betty in that scope. Instead, it might manifest that you do not take the relevant property to be a sufficient reason for inclusion in that scope. And, other things being equal, this reflects how we should try to reconstruct your inclusion-policy, namely, in terms that maximize, rather than decrease, its overall coherence. Anything else, it would seem, would not show due charity to you, and thus might fail to be suitably followable by you.

On such a reading, then, O'Neill's case supposes that agents *already accept* some view of ethical standing by which the presence in a being of the property of being a connected and vulnerable independent source of activity counts as a reason to include that being in the scope of ethical standing. And this would name, but not resolve, the problem of scope: the question would still be why it is reasonable to construe that property as such a reason.

6.

This brings us back to the perfectionist conjecture: to arrive at the views about the scope of practical reasoning that they endorse, Kantian constructivists have reasons to make perfectionist assumptions. Adjusted to the case at hand, O'Neill has reasons to accept that inclusion in that scope is a good that does not depend for its authority on its followability. This combines two standard components of perfectionism: the, say, *alethic* idea that there are practical views that, while they have authority, do not depend for their authority on their acceptability; and the *axiological* idea that conceptions of the good, or (more or less elaborate and comprehensive sets of) value judgements about, e.g., people or forms of life, are amongst such practical views. As I shall now try to make plausible, O'Neill-type Kantian constructivism has reasons to endorse both of these components of perfectionism.

Let me start with the first component. The previous section in effect suggests that O'Neill's approach does not establish, but from the outset *supposes*, a view of ethical standing such as:

(ES)   Vulnerable and connected independent sources of activity merit ethical standing. (Alternatively: the presence in a being of the property of being a vulnerable and connected independent source of activity is a (sufficient) reason to accord ethical standing to that being.)

Evidently, some such view needs to be in background of O'Neill's case for there to be something that bridges the gap between the ethically neutral views expressed in (P1) and (P2) and the ethically committed (P3) and (S)—and that thereby goes some way toward explaining why, if we take others to be vulnerable and connected independent sources of activity, we should accord to them ethical standing. At the same time, where agents already endorse (ES), or some view of ethical standing consonant with it, an account of the presuppositions of other-regarding activity can be used to bring out within what scope these agents must accord to others ethical standing. And this is, if anything, what O'Neill delivers.

O'Neill, I take it, is committed to the view that (ES) is a reasonable view. The standard by which (ES) is reasonable, though, does not seem to be her version of the constructivist acceptability requirement. For, as we shall see shortly, (ES) is *not* followable within the right scope. Saying this is not to deny that (ES) is followable within a wide scope—this is so at least on a weak reading of this claim. Recall the two readings of the notion of the scope of practical reasoning distinguished earlier. On a strong reading, or understood in terms of discursive respect, including an agent in that scope is to include her in the scope of justification, or, given constructivism, of acceptability, or followability. On a weak reading, by contrast, it is to include her in the scope of moral consideration. Understood in weak terms, then, (ES) demands no more than that we show *some* degree of non-instrumental concern for the good of all others whom we take to be affected by our activity. And this is minimal enough in ethical content to be consistent with a wide variety of moral, metaphysical, religious and other

conceptions of ethical standing and consideration. Such conceptions might disagree about the true grounds and outer boundaries of ethical standing and consideration; and they might disagree, too, about how we may treat others who have ethical standing. But such disagreement often reflects, and supposes, acceptance of the view that we should accord ethical standing to everyone who is, or whom we take to be, exposed to the effects of our activity.

However, even this minimal form of ethical universalism is contested by some people for whom O'Neill's case 'is to count as reasoned' (O'Neill 1996: 51)—and it is contested in a way that undermines its followability. To see why, consider first O'Neill's notion of followability. It is not always clear how exactly we may interpret the modal element in O'Neill's notion of followability. But it is fair to assume that if an agent cannot in fact accept *S* coherently, then *S* fails to be followable by that agent.[14] If this is so, though, there are people for whom O'Neill's case would have to be followable, but who cannot follow the view that *all* vulnerable and connected independent sources of activity merit ethical standing. Nazis, for instance, do not treat the property of being such a source as a sufficient reason for inclusion in the scope of moral consideration. And where they advocate denials of ethical consideration, or willingly harm others, this is not a function of their failure to realize that the relevant others are vulnerable real people. Rather, their awareness of the vulnerability of their victims guides their attempts to inflict humiliation, injury, or worse.[15] Nazis are just one example here; depending on what moral consideration requires, particularism about the scope of moral consideration can have many forms. And if (ES) fails to be followable by all relevant others on the weak reading of what it takes to include others in the scope of practical reasoning, then *a fortiori* it fails to be suitably followable on the strong reading, or as a claim about the scope of discursive respect, or, given constructivism, of acceptability, or followability. Hence, if (ES) is reasonable, or has epistemic-practical authority, then this does not flow from its followability, but must be based on other, independent grounds.

Of course, it is possible to adjust or tweak the constructivist acceptability requirement in such a way that it becomes possible to claim the ethical universalism of (ES) to be followable by all relevant others even though some relevant others cannot in fact accept it coherently. After all, there is a sense in which any internally consistent stretch of thought can be claimed to be followable, or coherently acceptable, by other people even if they cannot in fact accept it coherently. For instance, (ES) can be claimed to be followable, or coherently acceptable, by people who endorse Nazism because these people would not be committed to reject (ES) if they abandoned Nazism (or adopted some form on humanism). However, the possibility of such tweaking cannot provide much comfort for O'Neill's Kantian constructivism. On the one hand, such tweaking cuts both ways. If (ES) can count as followable despite there being relevant others who cannot accept it coherently, then the same holds for anti-universalist views of ethical standing, such as whatever view of ethical standing best fits Nazism. And this would not only call into question the idea that followability is something that can recommend a stretch of thought as reasonable.

It would also point in the same direction as the conclusion suggested above already. If both (ES) *and* its rejection meet the constructivist acceptability requirement, then it cannot be that requirement through which (ES), rather than its rejection, earns its reasonableness, or authority.

On the other hand, tweaking the constructivist acceptability requirement in order to ensure that it does not comb out the ethical universalism at the core of Kantian constructivism is either *itself* reasonable or it is not reasonable. If it is *not* reasonable, then the fact that a view meets the tweaked version of the requirement does not ensure its reasonableness. Obviously, this is a conclusion that Kantian constructivists would seek to avoid. Yet if tweaking the constructivist acceptability requirement *is* reasonable, then this reasonableness would have to be based on other grounds than considerations of followability. That is, it would have to be the prior reasonableness of (ES), rather than a successful application of the tweaked requirement to (ES), that explains the reasonableness of tweaking the requirement in such a way that it does not comb out (ES). Thus, the reasonableness of tweaking the constructivist acceptability requirement accordingly would have to be based on other, independent grounds.

In short, while O'Neill accords transcendental importance to the issue of scope, the case by which she determines the scope of practical reasoning is not followable within the right scope. Two things follow. First, the conclusion of O'Neill's case can be maintained only if it is assumed that (ES) does not depend for its reasonableness, or authority, on its followability: the ethical universalism at its core commits O'Neill-type Kantian constructivism to endorse the first, alethic component of perfectionism. Second, O'Neill-type Kantian constructivism cannot accord to the issue of scope both constitutive *and* transcendental status. If any reasoning depends for its authority on its followability within the right scope— that is, if there is any domain of reasoning for which the issue of scope has constitutive importance—then the reasoning by which the scope of practical reasoning is determined cannot, or not entirely, depend for its authority on its followability within the right scope. It is worth emphasizing that this problem marks a structural impasse not only of O'Neill's views, but of any brand of constructivism that (i) accords to the issue of scope constitutive and transcendental status, while (ii) making universalist assumptions about standing and scope that, judged by its own version of the constructivist acceptability requirement, fail to be suitably acceptable (or sharable, or followable) within their proper scope.

7.

Does O'Neill have reason to also accept the second, axiological component of perfectionism? The answer quite obviously seems yes. On the one hand, O'Neill seems to already accept that inclusion in that scope is a good. This is suggested by her very attempt to find arguments for the ethical standing of other people that no agent could reasonably reject. This attempt clearly is inspired by a very

acute awareness of the disvalue of the many ways in which our agency can be undermined and our ethical standing be diminished or denied.

On the other hand, it seems overwhelmingly plausible to construe inclusion in the scope of practical reasoning as a good, and not just in the weak terms of moral concern, but also in the stronger terms of discursive respect—and, we have seen, the scope of the latter is what O'Neill ultimately seeks to determine. Of course, what kind of good discursive standing is, and what ethical purchase it actually has, depends largely on the interpretation we attach to the constructivist acceptability requirement. What range of life-plans, projects, or conceptions of the good we can access and make our own depends not only, but importantly, on the impact that our point of view has on the precepts by which others may act toward us. Accordingly, discursive standing has significant ethical purchase if the fact that it is incoherent for you to accept some precept is taken to show that this precept does not meet the constructivist acceptability requirement, and so may not govern activity that affects you. Discursive standing has little ethical purchase, in turn, if others may claim the precepts by which they act toward you to be acceptable by you, and hence to meet that requirement, even if it actually is, and, for all that you can tell, will remain, incoherent for you to accept these precepts. Still, provided that the constructivist acceptability requirement is understood in suitable terms, inclusion in the scope of discursive respect has instrumental value—and this instrumental value, it seems, is of a particularly important, higher-order status as it derives at least partly from the role discursive standing plays in enabling and protecting our access to things that we value non-instrumentally.

Would it also be plausible to construe discursive standing as a non-instrumental, impersonal good? Again, the answer seems to be yes. That is, whatever we take to be the best account of the grounds and the nature this good, there is something about discursive standing and the capacity to enjoy it that makes it an important good that agents be interacted with, or acted upon, on the basis of precepts, reasons, and other considerations that they could coherently accept. And, it seems plausible to continue, since discursive standing *is* an important good, it is unreasonable (but not necessarily incoherent) to reject that this is so. Accordingly, it should be, and, if we are fully reasonable, is, an element of our conception of the good that agents be interacted with, or acted upon, on the basis of precepts, reasons and other considerations that they could coherently accept. By implication, it should be, and, if we are fully reasonable, is, an important part of our conception of the good not only that *we* be interacted with, or acted upon, on the basis of reasons *we* could coherently accept, but also that we interact with, or act upon, *others* on the basis of reasons *they* could coherently accept.

Of course, what I have said in the last paragraph boils down to a mere moral value judgement. And while some such value judgement is at the core of many universalist and liberal moral doctrines—doctrines, that is, that, like the views of Kant, Locke and Mill, place a high priority on respect, autonomy, individuality, and the justifiability of (coercive) principles to those subjected to them—claiming

that discursive standing is, and is often taken to be, an important good does not make it one. However, the issue at hand is not to establish that discursive standing is an impersonal good. Rather, what matters here is that it is plausible to conceive of it as a good—and, drawing on what we have seen in the last section, that the view that it is a good expresses a value judgement that, if it has authority, does not depend for its authority on its acceptability, or followability. That is, it is a *perfectionist* value judgement, and substantiating it as such is a task not only for perfectionists, but also for Kantian constructivists like O'Neill.

8.

O'Neill, I have argued, has reasons to embrace not only perfectionism's first standard component, but also its second standard component, and thus has reasons to accept that inclusion in the scope of practical reasoning is a good that does not depend for its authority on its acceptability, or followability. If we may generalize, three things are suggested. First, Kantian constructivism cannot accord to the issue of scope both constitutive and transcendental importance. That is, if any reasoning depends for its reasonableness, or authority, on its followability within the right scope, then the reasoning by which that scope is to be determined cannot, or not entirely, depend for its reasonableness, or authority, on its followability within the right scope. Next, this problem cannot be overcome simply by tweaking the constructivist acceptability requirement in a way that would render Kantian constructivism's universalist commitments consistent with its view of the nature of reasoned thought. Thus, finally, to uphold the importance of considerations of scope and the ethical universalism at its core, Kantian constructivism has reasons to defend its universalist commitments at least in part on perfectionist grounds. If that is so, Kantian constructivists like O'Neill have reasons to construe perfectionists not, or not all the way down, as opponents, but as partial, though uneasy, *allies*.

Let me conclude with a note on the *hybrid* form of Kantian constructivism that emerges here—i.e. a view that accepts the constructivist acceptability requirement, but exempts reasoning about the scope of practical reasoning from that requirement. Would not hybrid Kantian constructivism be incoherent in supposing both (i) that discursive standing is a good and (ii) that the view that discursive standing is a good has authority despite the fact that some relevant others cannot coherently accept it? It is not entirely clear what the right answer is. It seems, though, that a hybrid view faces a problem not so much of incoherence, but of *dogmatism*. A hybrid view does not entail that the people (ii) refers to *lack* discursive standing altogether. Rather, it entails that these people have *lesser*, or a *different kind* of, discursive standing. For it would take a rejection of the view expressed in (i) to show not that this view lacks authority, but, rather, that those who reject it are not fully reasonable.[16] Now, all justification needs to start from somewhere, and all forms of constructivism need to somewhere draw a line between discursively significant, authoritative and discursively insignificant,

non-authoritative ways to reject stretches of thought. For example, a conscientious, well-informed and considered rejection of a stretch of thought seems to be discursively significant in a way in which a disingenuous, unconsidered and inconsistent rejection is not. However, hybrid Kantian constructivism, by drawing this line in terms of the view expressed in (i), would draw it in terms of the acceptance of one of its key *ethical assumptions*—an assumption, moreover, that, it would seem, is in need of justification (at least O'Neill would concede that this is so). Thus, hybrid Kantian constructivism invites the suspicion that it draws that crucial line dogmatically. To address this suspicion, I have suggested, what is needed is a perfectionist defence of the good of inclusion in the scope of discursive respect.[17]

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NOTES

[1] See Gauthier 1986; Habermas 1999; Korsgaard 1996 and 1995; Larmore 1987 and 1996; Macedo 1991; O'Neill 1989a, 1996 and 2000; Rawls 1993.

[2] See O'Neill 1996: 4f, 64f, 91–97. Elsewhere, O'Neill refers to this scope as the scope of moral standing or moral concern, see O'Neill 2000: 197–202.

[3] O'Neill 1996: 3; my italics. See also O'Neill 2000: 24, and O'Neill 1988 and O'Neill 1989b.

[4] See O'Neill 1996: 57–65; O'Neill 2000: 24–8.

[5] I shall come back to the requirement of followability in section 6, below. For a discussion of followability in O'Neill, see Besch 2008.

[6] See O'Neill 2003: 357–61; O'Neill 1992: 288–301.

[7] Views are often labelled 'perfectionist' if they claim, e.g. that there is such a thing as human nature and that human nature constrains or grounds standards of happiness, well-being, goodness, or justice (call this *essentialist* perfectionism); that the state may promote conceptions of the good, or favour some such conceptions over others (call this *political* perfectionism); or that some characters, personalities, or forms of life are good or better than others even if no-one agreed that this is so (this is an *axiological* form perfectionism); or that claims about the good of people or forms of life can have epistemic-practical authority in an acceptance-independent way, e.g. in corresponding to the way things really are, and so are true (this is a form of *alethic* perfectionism). E.g. Thomas Hurka adopts essentialist and axiological perfectionism, Vinit Haksar adopts axiological and political perfectionism, and Joseph Raz affirms axiological, political and, perhaps, alethic perfectionism. See Hurka 1993; Haksar 1979; Raz 1988 and 1990. It is in virtue of the latter two forms of perfectionism, or ideas underlying them, that the conjecture at hand is *perfectionist*. See section 6, below.

[8] This case is the second instalment of a study of the grounds and limits of Kantian constructivism that aims at a constructivist vindication of the perfectionist conjecture. For

a first instalment, see Besch 2008. In this paper, I argue that O'Neill-type Kantian constructivism is self-defeating unless it establishes the requirement of followability— construed by O'Neill as the supreme principle of reason—on grounds that are *exempted* from that requirement, and that hence might be, amongst other possibilities, perfectionist (or Platonist) in nature.

[9] O'Neill 1996: 65. O'Neill sometimes puts matters in terms of the unreasonableness of an *exclusion* of (some) relevant others. Putting matters in such terms, however, can be misleading. That it is unreasonable for others to exclude you from that scope does not mean that it would have been unreasonable for them not to include you in that scope in the first place. Given that O'Neill is after a case that shows whom we must include in that scope in the first place, then, (S) puts matters more clearly in terms of the unreasonableness of a *non-inclusion* of the relevant others.

[10] See section 1, above. O'Neill does not elaborate much on her notion of scope, nor does she relate in any greater detail to other notions of scope that come to mind here, such as the *logical* scope of practical thought, as defined by the beings and things over which its linguistic expressions range, or its *applicative* scope, as given by the beings and things that would be affected by its implementation. What she does is to distinguish the scope of practical reasoning from 'the scope of various ethical principles'. With the later she seems to refer to the type of situations, acts or beings to which such principles apply – things, that is, that are specified by the content of token practical principles, and that seem to be matter of their applicative scope. See O'Neill 1996: 92.

[11] On concrete empirical agents and other types of agents, see Von Wright 1963: 37–9.

[12] (P1) might not be ethically neutral if there is phrase that entails a commitment to the ethical standing of the beings to which it applies, but that relates to 'vulnerable and connected independent source of activity' like, e.g. 'H_2O' relates to 'water'. Even if there is such a phrase, though, this would not help O'Neill. As its application would have to be seen as already giving expression to, and so as supposing, a view of ethical standing, it could not ground, but would need to be grounded by, an account of ethical standing.

[13] If this idealizes, it does so to a lesser extent than it might at first seem. On O'Neill's lines, we can distinguish between the token assumptions and the type of assumptions that we presuppose in our activity. Even where the token assumptions that we make about others are inaccurate, it can still be accurate to assume *some* conjunction of plurality, connection, and finitude, and so to take others to be vulnerable and connected independent sources of activity.

[14] This simplifies matters. As we have seen in section 1, above, O'Neill takes followability (in thought) to be a matter of what others *could coherently accept*. Yet she rejects, e.g. Platonist (or perfectionist or realist) practical reasoning as not suitably followable because there are relevant others who *do not endorse* the necessary Platonist metaphysics; see section 1, and O'Neill 1996: 51. This suggests two significantly distinct interpretations of followability: the first has the potential to render the requirement of followability too weak to be of much bite, while the second seems to bring that requirement too close to a consensus requirement for it to be plausible at all. What I say here and below strikes a fair balance between both extremes. For more on followability, see Besch 2008.

[15] It is worth adding that O'Neill systematically describes denials of ethical standing as cases where 'the very assumptions of plurality, connection and finitude on which activity is based are surreptitiously, cynically or solemnly denied' (O'Neill 2000: 106). This construes of them as (motivated) denials of the second, descriptive premise of inferences

like: (i) vulnerable and connected independent sources of activity should be included in the scope of (my) moral consideration; (ii) X is a vulnerable and connected independent source of activity; thus, (iii) X should be included within the scope of (my) moral consideration. Now, it is accurate to conceptualize denials of ethical standing as flowing from a rejection of (ii) if those who deny it *already endorse* the normative element of such inferences, i.e. (i). Yet some denials of ethical standing flow from a denial of the normative element, and these are the most troublesome denials of ethical standing.

[16] More precisely, Kantian constructivists would need to distinguish between justification-*constitutive* and justification-*consequential* discursive standing. We accord to others constitutive discursive standing where we believe not only that we should interact with them on the basis of reasons that they could accept, but also that the goodness of good reasons is a function of what they could coherently accept. This is the discursive standing that, where it is accorded to people who cannot coherently accept ethical universalism, leads to the problem outlined above. Yet Kantian constructivists could accord consequential discursive standing to such people: we accord to others consequential discursive standing where we seek to interact with them on the basis of reasons they could accept, but take it that the acceptability of those reasons by them does not constitute the goodness of good reasons, but would flow from their proper appreciation of the goodness of these reasons. Evidently, such standing could be accorded to people who cannot coherently accept ethical universalism without at the same time undermining it.

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