Two Worries about Respect for Persons*

Leslie Green

I. INTRODUCTION

Respect as a political ideal was not always identified with the notion that people are entitled to special regard just by virtue of the fact that they are persons, irrespective of rank or merit. Quite the contrary. The ancestral territory of respect was differential status. Vassals were to respect their lords, servants their masters, children their parents, and wives their husbands. The respect owed was not in response to features that all people share but to special features that distinguish some, and these differences were normally acknowledged by deference to those regarded as superior. The respect that mattered in politics often had less to do with respect for persons than with respect for personages.

That sort of respect—a variant of what Stephen Darwall calls “appraisal respect”—also had competition.¹ It coexisted with, and in liberal thought was ultimately subordinated to, the idea that everyone is entitled to a baseline of regard, independent of things like rank, status, virtue, or merit. It now feels natural to think of this sort of regard as a kind of respect. It is notable, however, that when some ancient and modern writers wanted to draw the focus away from personages and toward persons they sometimes also felt tempted to distance themselves from the language of respect. Thus, the biblical translators of the Authorized Version have Peter say that God’s acceptance of the Gentiles demonstrates that he “is no respecter of persons.”² And this locution, one of few in which respect still carries a negative valence, occasionally resurfaces when philosophers want to stress the importance of impartial rea-

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². Acts 10:34. A “respecter of persons” is prosopoleptes, an “accepter of appearances” who bases judgments on superficial features.

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sons. Henry Sidgwick, for instance, says that those who apply and administer the law ought never to show “respect of persons.”

To respect persons without being a “respecter of persons” is (at least) to treat them in ways that do not vary with their particular merits, statuses, or histories, and it is an impartial moral principle of universal application. So understood, respect for persons is sometimes offered as the foundation for all our moral duties and more often as the ground of particular kinds of duties (for instance, those correlative to basic human rights). But whether or not it has either of those foundational roles, there is nonetheless widespread agreement that, among all our moral obligations, the duty to respect persons is central and weighty.

The contemporary popularity of respect for persons contrasts with the difficulty of explaining it, and that is our first worry. It is tempting to say that the explanation is simple: respect is nothing more than the duty to do our duties toward persons, to respect what morality truly requires in all our interactions with them. That view has one attraction: it accounts for the popularity of the idea, for even people who disagree about the demands of morality will agree that we should conform to them, properly understood. At the same time it is unsatisfying, for it is a debunking explanation: it entails that there is actually no independent duty to respect persons but only an exhortation to perform the (other) duties that we already owe them.

Kant offered a related but slightly different account: “All reverence for a person is properly only reverence for the law (of honesty, etc.) of which the person provides an example.” This is not exactly a debunking explanation, but as W. G. Maclagan noticed, it too is a problematic one. It makes the moral law the object of respect, and people are to be respected only derivatively. People differ greatly in the extent to which they exemplify, or are capable of exemplifying, the moral law, so it is going to be tricky to show how we end up with an invariant duty to respect all of them. The larger difficulty, however, as Maclagan notes, is that “this hardly answers to the concept of respect for persons . . .


4. W. G. Maclagan denies the equivalence of impartiality and respect on the grounds, inter alia, that one who respected nobody would be impartial among all, whereas respect requires some kind of positive regard for persons as such (W. G. Maclagan, “Respect for Persons as Moral Principle-I,” Philosophy 35 [1960]: 196–98). In suggesting that respect is one of the impartial moral principles, I am not asserting that it is reducible to impartiality. With respect to its invariability, we may want to think of personhood as a kind of “range property”: see Jeremy Waldron’s discussion in God, Locke, and Equality: Christian Foundations of John Locke’s Political Thought (New York: Cambridge University Press, 2002), 76–81.

for in that our concern seems to terminate so to say, on the person, and, in doing so, to be independent of any judgment we make of his quality, moral or other.\(^6\)

It is this idea—that a candidate explanation must somehow “terminate on the person”—that lies at the root of our first worry. How can we deepen our understanding of the duty to respect persons if the relevant concern terminates right there? Surely any explanation of the duty must mention some further fact about persons in virtue of which we owe them respect. Otherwise it sounds as if we are being invited to take the duty as foundational, as a moral axiom: persons are to be respected, and that is all there is to it. To accept the invitation may be right and proper, but it hardly counts as an explanation. But not all further facts are compatible with the features that personal respect is taken to have: that it binds all of us, that is owed to everyone irrespective of their virtues or merits, and that it is especially exigent. Indeed, in other contexts respect is, as I said at the outset, a rather selective thing.

The second worry is not about explaining respect but about containing it. The worry arises this way. Part of what it is to respect people is to show them respect. Respect is to be offered and to be seen and understood to be offered. This step into the symbolic world, raising the question of what count as proper signs of respect, brings new issues and new hazards. Signs are context dependent and can be both uncertain and unstable. Hobbes thought this especially true of signs of respect, and he therefore considered demands for respect to be among the most dangerous sources of human conflict. “Every man looketh that his companion should value him, at the same rate he sets upon himself.” But this regard is inherently fragile: disrespect can be felt in “a word, a smile, a different opinion, and any other sign of undervalue, either direct in their Persons, or by reflexion in the Kindred, their Friends, their National, their Profession, or their Name.”\(^7\) The list could go on. People can become personally invested in and identified with any number of projects, institutions, or people, so there is no limit to what might be taken as signs of disrespect.\(^8\) And these investments can be competitive and conflicting, so that to acknowledge the value of one may require disavowing another, with the result that we cannot avoid acting in a way

\(^6\) Maclagan, “Respect for Persons,” 199. Raz makes similar observations (\textit{Value, Respect, and Attachment} [Cambridge: Cambridge University Press, 2001], 134–35). All citations to this work appear in parentheses within the text.


\(^8\) There are, however, limits to what might reasonably be so taken. See Sec. VI, below.
that disrespects someone or other. And people not only want to be respected, they want their status secured by the fact that is generally known that they are respected, and they want their self-esteem to be secured by the assurance that this is known. Needless to say, all that can be hard to come by, especially in complex pluralist societies. Yet, the symbolic aspects of respect for persons are ineliminable. So there is our second worry: is there any decent way to avoid respect inflation, to moderate or render benign potentially escalating demands that people’s projects and lives be respected as a necessary aspect of our respect for them, while at the same time remaining faithful to our genuine duty to respect them as persons?

II. REASONS OF RESPECT

In his Seeley Lectures, Joseph Raz offers reflections on both problems. His boldest conjecture is this. Respect for persons is a special case of a more general obligation to respect value. It is not, as some might think, a special kind of respect; it is respect owed to a special kind of object. Our duty to respect persons binds in virtue of the way features of their personhood are connected with the existence of value. It includes a duty to show, or express, respect but only as far as people’s demands for respect are reasonable, though what is reasonable depends on history and circumstance, as does the appropriateness of something as an expression of respect. In preparation for the points of criticism and elaboration that begin in Section III, I need to lay out some groundwork and key moves in the argument.

Raz contends that value in human life is often realized through activity, especially through the pursuit of worthwhile goals to which one is, or finds oneself, authentically committed. That is why plugging into a machine that provides a simulacrum of pleasant experiences would not make one’s life go better: one would be thinking and feeling but not doing or achieving. Yet, there are many worthwhile goals to pursue, and their values are often incommensurable, so no general cost-benefit analysis can always tell us how to proceed. Reason ranks our options incompletely. It directs us to reject the worthless—plugging into the experience machine, devoting one’s time to counting blades of grass, or to maximizing wealth as an end in itself, and so forth—but beyond that it often leaves us free to operate within a frame of reasonable yet

9. In Austin, Texas, I regularly used to walk past monuments to the Confederate war dead, Jefferson Davis and Robert E. Lee. I did so with deep sadness, realizing that to remove, or to retain, these fossils of an ugly regime would be taken as signs of disrespect.

10. Published in revised form as Value, Respect, and Attachment.

merely permissible options, where maximization has but local authority in special cases and where binding duties tend to emerge dynamically, as we progressively but contingently commit ourselves to projects and relationships. Now, this sounds like unpromising territory in which to locate a universal duty to do anything, let alone respect persons. How can we explain the obligatory where so much is merely reasonable?

Some things become mandatory once we opt in—we can acquire obligations deliberately, or semivoluntarily, or as constituent parts of valuable but optional roles and relations. Voluntarism is not, however, a credible account of the duty of respect. Perhaps some people promise to respect persons, or willingly assume roles that require respect of them, or grow up in societies in which respect for persons is required of all members in good standing. But these would be special cases, and the duty of respect binds generally. We do not allow people or governments that do not respect persons—for example, those that torture or defend torture, that discriminate or permit discrimination, that undermine or fail to secure the autonomy of their subjects—a defense along the lines that they never agreed to respect anyone, or that respect for persons is a foreign value, or one not “deeply rooted in this Nation’s history and tradition.”12 Respect for persons is mandatory, not optional, and though its requirements and expression are shaped by culture and history, it is not dependent for its ultimate binding force on such contingencies and not on any contingency like consent or agreement.

Now, Raz contends that value is necessarily intelligible—for anything valuable, there is an answer to the question “why, or in virtue of what, is it valuable?” The explanation must be in terms of universal properties which, when present, noncontingently explain the value of that thing.13 Sometimes we can offer instrumental explanations: X is valuable because it produces Y, and Y itself is valuable.14 But if all value is to be intelligible, not everything can be explained this way. Object Y itself may be valuable as a means to some further value Z, but at some point we will need a noninstrumental value if any of the means are to inherit value down the line. (This claim is axiological, not logical: it is not an appeal to a necessary “first cause.”) At this point Raz introduces a distinction. Some noninstrumental values are of value because they

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12. The phrase figures in one of the U.S. Supreme Court’s tests for a fundamental liberty: Moore v. East Cleveland, 431 U.S. 494, 503 (1977) (per Powell, J.).


14. The last clause is crucial. The instrumental value of an effective means is contingent on the value of its ends. Something that is an effective means to a worthless end does not have instrumental value, though we can talk about it as if it had such value, on the fiction or assumption that the pertinent end does have value.
are of value for or to someone or something, for instance, because people care about them and their lives are enriched by engagement with them. A beautiful sunset is not an instrument of our pleasure, but, at the same time, its value is not, so to speak, freestanding. It depends on and is explained by its value for us (or for something else capable of responding to it). However, if all values are intelligible, there must be some noninstrumental values that are, in a sense, freestanding—they are neither explained by their instrumental role nor by the fact that they are noninstrumentally valuable for or to someone or something else. That is, there must be things valuable in themselves, the value of which is nonetheless also explicable.

Raz’s proposal on this front is that valuers are valuable in themselves because there is a mutual, but asymmetric, dependence between values and valuers. Values are “there to be engaged with in the right way.” Thus, “paintings are there to be seen and appreciated, novels to be read, oranges to be eaten, mountains to be looked at, or climbed, etc.” The most general way in which values depend on valuers lies in this potential to be valued; so in a way valuers are among the possibility conditions of value. At the same time, but by a different route, valuers depend on values. How so? Valuers have the potential to be enriched by their responses to value. The sunset is of intrinsic value, but the sunset cannot be enriched by its response to anything. It is passive, not active; an object, not a subject. “Just as the fact that an object has intrinsic value marks a potential in it, the potential of being engaged with in the right way, so the status of being someone of value in oneself marks a potential in one, the potential to engage with value in the right way, and thereby be enriched or improved, etc. Therefore, valuers are of value in themselves” (156–57). This is Raz’s recasting of Kant’s second, and more promising, explanation of the duty to respect persons: they are “ends in themselves.”

15. This feature of being nonfreestanding, of being of “valuable for,” often gets misrepresented as a kind of instrumental value. That abuses the idea of an instrument. The sunset is not a means or device for bringing about anything, but its (noninstrumental) value does depend on beings who can respond to it, for example, aesthetically.

16. There are difficulties in interpreting this idea that I cannot pursue here. (There were mountains before there were people, so on one reading it is false that mountains are there to be climbed.)

17. Raz comments, “it is far from clear in what way a person can be an end, either in itself or any other way. I can make it my end to get people jobs, or to see to it that they come to no harm, or to ensure them a comfortable income, or to keep them from temptation, and so on. But can they themselves, rather than securing them something, be my ends?” (Value, Respect, and Attachment, 144). For other attempts to make sense of the idea that persons can be ends in themselves, see Bruce Aune, Kant’s Theory of Morals (Princeton, NJ: Princeton University Press, 1979), 70–103; and David J. Velleman, “Love as a Moral Emotion,” Ethics 109 (1999): 355–62.
How does practical reason demand that we respond to value, including things of value in themselves? Not necessarily by engagement with them. For one thing, one may wholly lack the capacity to engage with something of value “in the right way.” Whether a particular person can profit from playing or listening to music depends on his inclinations and capacities. Not only the value of a particular composition or genre but the value of music itself may be entirely closed to him. For another, even if he could engage with it, there is no requirement that he do so; he may reasonably put his energies into baseball or philately. However, for engagement with value to be possible at all, things of value must be there to be valued. If anyone is to profit from playing or listening to music, there must be music, and that is not something we can take for granted. Naturally, music (as we know it) need not have existed. But given that we have music, its potential to benefit those who can respond to it depends on some sort of rudimentary responses from everyone, and these are the responses that Raz thinks of as tracking reasons of respect. The first is recognition: “regarding objects in ways consistent with their value, in one’s thoughts, understood broadly to include imaginings, emotions, wishes, intentions, etc.” (161). And insofar as language is related to thought, this carries over into linguistic and other forms of expression. The second response is preservation: objects of value are not to be destroyed and are sometimes to be preserved. Recognition and preservation are necessary preliminaries to any engagement with value (though the boundaries between them, and between both of them and full engagement, are vague). “If engaging with value is the way to realise value, respecting value is the way to protect the possibility of that realisation” (167).

Because respect requires only recognition and preservation and not full-blown engagement, it is relatively insensitive to variations in human interests and attachments. In this sense, respect is categorical in force and, thus, bears one of the marks of a duty. And when the value to be respected is the value of persons, it is especially exigent. Persons are aware of and alert to being disrespected, and conformity to the duty to respect persons is of great value not only for the respected but also for the respecter. Preserving the potential that human engagement can bring is a condition on which much of the value in human life and culture depends. And that, greatly compressed, is an explanation of respect for persons that does, in the relevant way, “terminate on the person.” It terminates there because persons are valuable in themselves and because that can be rationally explained by reference to universal properties of persons in virtue of which they have value.
III. RESPECT: WHAT AND WHEN?

What, on this account, does respect for persons require? According to Raz, it is a matter of actions, not attitudes: “Respecting people is a way of treating them. It is neither a feeling, nor an emotion, nor a belief, though it may be based on a belief and be accompanied (at least occasionally) by certain feelings” (138). There is a sense in which this is correct. I can overtly treat my neighbor with respect while loathing him. Expressions of respect can be accompanied by feelings of contempt. (And contempt-concealing expressions may even include the lawyer’s familiar, “With all due respect.”) But while this is possible, it is open to doubt whether treatment (or omissions) of a certain kind generally satisfies our duty to respect persons. People are sensitive not only to the way they are treated but also to the spirit in which that treatment is afforded. If one gives with the hand of treatment and takes away with the hand of attitude, they are likely to catch on, and that will leave them without adequate assurance that they are being respected. A grudging bow is generally received in the spirit in which it is given. And outside of formal and ritualized contexts, it is often the spirit or attitude with which treatment is afforded that marks it as respectful in the first place. The tendency to sideline attitude or ethos here is sometimes the product of a view that respect for persons, if it is to be a duty at all, should either be or be able to be enforced, but law and other forms of social control cannot (or should not) reach beyond overt acts. Raz does not, however, appear to endorse such crude views. It is always a further question whether a moral duty could be enforceable or should be enforced. And the duty lays claim directly on the agent, not indirectly on the enforcers. So, although respect for persons does not always require that the agent have respectful feelings or emotions, there is also no reason to draw the sharp contrast between treatment and attitude that appeals to Raz.

It is not disputed, of course, that respect for persons is at least a way of treating them. But this is liable to two different interpretations, and it is useful to distinguish them.

Schematically, respect might demand that

1. If one φs in regard to A, then one has a duty to φ respectfully, or
2. One has a duty to φ in regard to A, because φing is a way of respecting A.

18. But note that there is nothing linguistically odd in speaking of respect as a feeling or attitude: the Shorter OED, 6th ed., gives this definition of “respect” (5): “Deferential esteem felt or shown towards a person thing or quality; a feeling of deferential esteem” (2:2549).

The scope distinction between interpretations 1 and 2 turns on whether there is a trigger for the duty of respect and, if so, what it is.

Consider a type-1 scenario. If I attend your seminar, I should listen respectfully, but I do no wrong in not attending at all. What’s more, scenario 1 is satisfied even when my reason for listening respectfully has nothing to do with respect for you. It may be grounded in respect for the ideas of which you are the bearer, or reasons for having seminars run smoothly, or in the hope that you will reciprocate when my seminar comes around. Contrast a type-2 scenario. You are my friend and an invited guest to our department, which has a firm norm requiring faculty to attend seminars, a norm to which I usually conform. In the circumstances, my unexcused absence is disrespectful to you. Here, respect requires not only a certain kind of treatment triggered by my (optional) decision to turn up; it requires that I turn up.

Our ideal of respect for persons is more like scenario 2 than it is like scenario 1. For one thing, as I said above, it is a nonvoluntary obligation, so there can be no trigger of that sort. And it is to be categorical in force and form. Yet Raz’s account does in some ways resemble the hypothetically structured scenario 1. True, the duty is not triggered by engagement with others, but it is triggered by the presence of certain beliefs. Of the case of respect for value in general, Raz writes, “There is no general reason to know, or believe, that what is of value is of value . . . no reason for me to believe that there is in Kazakhstan a good statute of the Buddha, even though there is such a statue there. But there is a general reason that if we think of an object which is of value, we should think of it in ways consistent with its value” (161; emphasis added). Now, this passage is about respect for value in general, but recall that Raz’s conjecture is that this provides the fundamental explanation for the duty to respect persons. What then are we to make of the final, italicized conditional in the passage just cited? Its point is to make duties of respect (here, respect for art) fit with the view that it is mostly our personal goals and interests that give us reasons to engage with aesthetic values in the first place. Some people may have a reason to know about the good Kazakh statue—art historians or Buddhists, perhaps. Being neither, that does not apply to me. I may have a general reason to be disposed to recognize value if I run into it; after all, it may turn out to be the sort of value to which I can respond. But, according to Raz, merely not thinking about something of value is not to treat it with disrespect: I may have no reason to think about it. Disrespect begins only when I do think about it but have thoughts inconsistent with its actual status.

20. It is unclear how fine-grained such a disposition would be: a disposition to recognize value, or aesthetic values, or art, or statuary?
I am not sure that this works. I want to air my doubts under three heads: (i) the trigger for respect, (ii) false thoughts and their capacity to undermine value’s potential, and (iii) the extent to which Raz’s reasons of respect are actually categorical in force.

First, the trigger. If I do not now know of someone’s existence, then it seems plain that I cannot now respect her—even if I can be disposed to respect people like her should I come to know about them. Like everyone else, I neither know nor think about most people now alive.21 How should my thoughtlessness be judged? It depends. In some cases the fact that one does not think about someone is a sign of disrespect.

Remember the famous exchange in *Casablanca*. Humphrey Bogart’s character, Rick, is contemptuous of Ugarte (Peter Lorre), whose illegal trade includes the sale of exit visas to those trying to flee the Nazis and their collaborators:

**ugarte**: You despise me, don’t you?
**rick**: Well, if I gave you any thought, I probably would.

It is safe to say that Rick does not accord Ugarte “appraisal respect.” Whether he respects him as a person is perhaps open to debate. In any case, Rick says he gives Ugarte no thought, and this is meant to show how little he respects Ugarte. Of course, the joke depends on the fact that what Rick says is not literally true. Rick may give no thought to the question whether he despises Ugarte, but he does give Ugarte thought—Ugarte is, after all, sitting right there, having a conversation with him. Still, there is a point behind the joke: Rick ought to give even Ugarte some thought.

If respect is to be a categorical reason, then the trigger (“if we think of an object of value”) needs to be one that is easy to trip. We do not want to say that everyone about whom we do not actually think falls outside our obligation to respect persons. Indeed, some people, about whom we do not think, find themselves in that position owing to forms of social isolation or invisibility that are the products and expressions of disrespect for them. In this way, their position is significantly different from that of the Kazakh Buddha. Regarding most people in my general sphere (as opposed to, say, unreachable aliens on a distant planet), I ought to think about them, and, bringing them into my cognizance, I ought to respect them as persons. What precisely does it take for someone to be in one’s general sphere? I do not know, and it too is context dependent. Suffice it to say that in our societies it does not require anything like the sort of reasons we have to know our friends, neighbors, colleagues, or customers—the knowledge that helps make them parts

21. I am not here intimating that only the living merit respect.
of our lives. To be universal and impartial it needs to be more elementary than that. Perhaps we ought to say that the case of statuary is simply different, for we do have a general reason to think about people about whom we can significantly think, should we turn our minds to it, and that a failing here can be a failure to respect them as persons. This suggests a fracture in Raz’s unified conception of respect. There is nothing wrong with me giving no thought at all to a statue in a local museum, not even if it is a very good example of its kind and I have easy access to it. But there is something wrong with me literally giving no thought to workers in my local museums, their conditions of work, and so forth, carrying on as if they simply didn’t exist, giving them “no thought at all.” This is so even if I have no reason to engage with them any further. Thoughtlessness is one of the familiar modalities of disrespect in the modern world. This is, of course, subject to the stated vague condition: it condemns us only with respect to those in our general sphere. It does not therefore have the absurd implication that we fail to respect persons unless we go out and connect with all persons with whom it is possible for us to connect and then respect them. But with regard to those in our sphere, we are not let off the hook by simply giving them no thought at all.

IV. RECOGNITION AND POTENTIAL

I turn now to my next point of doubt: the misrecognition of value and its alleged consequences for the potential for realizing value. Assume that to recognize the value in something I need to be sensitive (or to be able to become sensitive) to the kind of value it has. For example, to think of Michelangelo’s Pietà as having the value it has, I need to be sensitive to the value of the plastic arts, to sculpture, and perhaps also to religious sculpture. I may be (blamelessly) insensitive to all of these: possibly there are values in religious art that necessarily escape an atheist. Raz’s respect does not require this much sensitivity but only that whatever I do think about the Pietà must not be inconsistent with the value that it actually has. It follows then that I should not think of the Pietà, “What kitsch!” That would be disrespectful of art, even if I cannot myself see the value in it and cannot even see that thinking it kitsch misrecognizes its value.

People are of value in themselves, Raz argues, so respect for them demands that I not think the contrary. (It is, incidentally, a bit hard to square this with his claim, quoted above, that respect requires treatment but not necessarily belief.) We are not to misrecognize the value of persons (at least, those of whom we think). Now, this injunction will go on to be shaped by the local features of our time and culture, but before we get to that there is already uncertainty about what it requires. Obviously, it demands that I should not think “persons are not of value in
themselves." A lack of respect for persons, however, does not normally turn up merely (or even) in having the very thought "persons are not of value in themselves." That is, after all, a very philosophical thought. Disrespect is ordinarily expressed in less recondite ways—but which ones? We might say, in having beliefs (or acting as if one had beliefs?) that are obviously entailed by the proposition, that persons are not of value in themselves. So, in thinking about Anne, who as a person is valuable in herself, I should not think, “Anne is not of value in herself.” I also think it obvious that I should not think “Anne is of value only as a means to my promotion.” That is far too close to simply denying that she is of value in herself. But may I think, for instance, “Anne is of value in herself, though not of equal value to Bill, who is also of value in himself”? Some philosophers maintain that, if someone is to be respected, then she must be considered to have equal value to all others who are also of value in themselves. Others hold that being of value in oneself neither invites nor permits comparison: it is a way of being of value, not a quantity of value. They may put it by saying that people are of value beyond all comparison, beyond price as Kant sometimes says. But that will allow us (respectfully) to deny that Anne is of equal value to Bill (because her value cannot anyway be compared to his).

Perhaps the requirements of respect for persons are just uncertain on this point, because philosophy is uncertain, or perhaps a hard, conventional edge has crystallized around the fluid perimeters of respect, so that we only count certain kinds of false thoughts about people’s value as disrespectful, say, thoughts that they are not autonomous beings, or are fungible, or may be used as one pleases, or treated as objects. Moreover, Anne is likely to have her own views about this matter, and we may anyway have a duty to respect them and, through them, Anne. She may say that to advance a “special spheres” argument, according to which women are strictly speaking not men’s equals though they have their own incomparable, womanly value in themselves, disrespects women. Nor can we simply declare Anne’s view unreasonable: the comparability and commensurability of value involve hard pieces of philosophy.

But these are matters of detail. What is most puzzling about the recognitional stage of respect is this: what is the connection between having the proscribed thoughts, whatever we determine them to be, and having any effect on potentialities in the real world of value? Recall the


key move, “if engaging with value is the way to realise value, respecting value is the way to protect the possibility of that realisation” (167). Does having false value thoughts always undermine, or even expose to risk, the possibility of realizing value through engagement? If I think, falsely, that the Pieta is kitsch, then I am not likely to study or appreciate it. But if, by hypothesis, the Pieta would anyway be wasted on me, then I am not going to be a locus in which its value potential is realized: it cannot enrich my life at all. Do my own false thoughts (and words) about it undermine the potential for realizing its value by those who can respond to it in the right way? Why should they pay any heed to the ideas of one who cannot even tell good art from bad? Perhaps value potential is sensitive to the errors of some: the powerful, priests, sports heroes, movie stars, and so forth. It is conceivable that they can do wider damage, wrecking ways of recognizing or appreciating the value of many objects by generally cheapening or flattening our public discourse and understandings or by putting about superstitions and fictions about value. It is harder to see how my own evaluative errors undermine the potential of things in the world of value. I am not that influential: my misrecognition may show that I fail to respect that value, but it does not seem to have much to do with protecting the possibility of others engaging with it (or even my own engagement with it, should I suddenly come to my senses).

V. RESPECT AS A DUTY

The concerns raised in Section IV do not apply to the second stage of respect for value, namely, the nondestruction and preservation of value. Here, however, there are other matters to attend to.

Suppose I do not merely have false value thoughts about the Pieta but actually destroy it, or let it erode away. There is an obvious sense in which a potential for engagement with value has been lost, not only for me (who anyway cannot appreciate it and to whom what has been lost is no loss) but in general and forever. The object itself is lost or diminished. Perhaps this is the linchpin of the argument, and the remarks about abstaining from false thoughts should be understood as ancillary to it. (I may be less likely to smash the Pieta if I have only true thoughts about its value.) But now a fresh problem emerges, involving the extent to which preservation of value is a matter of duty rather than inclination.

We can no longer avoid a few comments about the nature of duties. There is a long history of disagreement about how to identify duties among other sorts of reasons. On one view, it is a matter of their content or weight. Duties are reasons that either are or are taken to be of special importance and which therefore tend to outweigh others in cases of
conflict. On another view, the mark of duties lies in the appropriate response to their breach. Bentham, Mill, and others hold that duties are reasons for which compliance may be exacted or enforced. Neither view is very satisfactory. There are duties that are trivial in weight (such as the duty not to tread on the corner of a neighbor’s lawn without her consent). There are also duties that are not accompanied by, and do not warrant, coercive enforcement (such as the duty to keep an ordinary promise). Moreover, to try to explain duties via enforcement puts the cart before the horse, for one of the leading justifications we give for setting up enforcement mechanisms is that they help secure conformity to duty, and that presupposes we can identify duties independently of enforcement. Raz rejects both theories. In his pioneering early work, he offered in their place an account that explains duties in terms of their special role in practical reasoning. Duties are reasons to which conformity is nonoptional, and the explanation for this lies in two features. Duties are (or are taken to be) categorical in force, and they not only provide reasons to act but also reasons not to act on some of the otherwise valid reasons for acting to the contrary. Duty-imposing norms are thus categorical reasons protected by second-order “exclusionary” reasons.

In Raz’s explanation of respect, the categorical aspect of duties is at the forefront: “Reasons for respect are categorical reasons, in the sense that their weight or stringency does not depend on our goals, tastes, or desires.” The suggestion is that the weight of categorical reasons is not a tight function of personal interests of the sort mentioned. This does not entail that reasons of respect are exceptionally weighty, or that their performance is or may be enforced, but it does entail that when they defeat other considerations, failure to conform to them would be not only foolish but wrong (168). In view of the more familiar Kantian use of the idea of a categorical imperative, it is worth noticing that Raz’s view of categoricity renders it a matter of degree. First, reasons of respect are not unconditional; they are conditioned on actually having certain beliefs: we explored that in Sections III and IV. Second, reasons of respect are not entirely independent of one’s personal goals or interests; the claim is that they are not tightly dependent on them. It is not denied that they may be loosely correlated, so long as they do not march in lockstep.

With this definition of a duty in place let us return to the duty to preserve value, including the special value that lies in persons. Because


Raz is aiming for a unified theory of respect, we can take the somewhat easier case of respect for the value of great art. Let us think again about the Pieta. Allow that it is a magnificent sculpture of great intrinsic value (though not, of course, of value in itself). In 1972, Lazlo Toth (disrespectfully) took a hammer to it, smashing part of the nose, an arm, and eyelids. Suppose this lessened or distorted to some degree the potential for anyone’s engagement with it. (Fortunately, the Pieta could not care, let alone care less, about its place in the world of value, so the injury to this value potential was not amplified by any perceived insult: this is one of the ways the case is simpler than that of respect for persons.)

Obviously, even if religious sculpture is “not my thing,” that does not give me any reason to smash it. I should just let it be or, to allow for degrees of categoricality, I should not allow my disdain for it to determine my response to it. In any event, so far I have no reason to destroy it. Is it then fair to infer that I must not destroy it out of respect, in order to preserve a potentiality of value? It is very hard to gauge how much work this consideration is doing, for I have many reasons not to smash the Pieta, and many of them flow from duties (including the fact that it is not my property, that to do so will embarrass my friends, and that vandalism is not the sort of thing a professor should take up). Nonsmashing is rationally overdetermined. But the same goes for not torturing people, not discriminating against them, not exploiting them, and so on. I do not deny that torturing people impedes their rational agency and interferes with value potential. But it does many other vicious things as well, including deliberately causing pain to the victim, degrading the perpetrator, corrupting those who tolerate it, and so forth, and that makes it difficult to contrive a pure case to test our judgments about how much disrespect for value itself contributes to this particular cauldron of horror.

Turning to the preservation of value, things get murkier still. I normally have to do something or other in order to destroy objects of value or to destroy their value potential. And to do so rationally, I need some kind of reason, and the fact that it is not my kind of thing is itself no such reason. On the other hand, in order not to destroy valuable things, I do not have to do much; typically, there is nothing in particular that I need to do. An infinite number of nondestructive omissions are open to me. But moving from nondestruction to preservation, we are drawn closer to the engagement side of things and thus further from a reason that is categorical in form, even in Raz’s relaxed sense of the categorical.

How far we are drawn in depends on what preservation requires. Respect may demand that we preserve value against certain threats, but threats come in various kinds, and preservation comes at various costs. If I am already at St. Peter’s, standing right beside the Pieta as Toth
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raises his hammer to strike, I may be able to preserve it by shouting “Don’t!” But perhaps I will need to call the security guard. Or, if there is no time for that, I may need to grab Toth’s arm and restrain him. Or maybe it is already too late, so the best I can do by way of preserving value would be to help pay for its repair, or for a subscription to improve security at the basilica, and so on. There may be reasons for me to do any or all of these things, but as we reach the more demanding, and generally more effective, forms of preservation, the role of our personal goals and attachments (whether as competing or supporting reasons) looms larger. Why should I contribute money to preserve religious art that does not interest me, or that is even wasted on me, instead of donating an identical sum to preserve a wilderness tract to which I am passionately committed? Or why should I—who am neither Irish, nor from Leinster, nor a student of Irish literature—learn Leinster Gaelic, now that Aloysius O’Brien (its last speaker) has died? Preserving a language is a public good of joint supply; my efforts are not going to make much difference now, whereas, if otherwise directed, they could do more for my own reasonable projects and engagements.

The lesson of these examples is this: there are too many reasons not to destroy value that are not reasons of respect for value, so it is hard to be confident that we have located the force of respect just in constructing plausible cases for not destroying value. And even when respect is in play, the preservation of value sometimes depends on reasons that are less than categorical in kind, even on Raz’s weak understanding of a categorical reason. Indeed, in many cases they seem indistinguishable from reasons of engagement. That tends to blur the admittedly vague distinction between reasons of respect and reasons of engagement.

VI. THE POLITICS OF RESPECT

Some of the preceding arguments probe gray areas and reflect the ways in which theories of value, pitched at their most abstract, are insufficiently specified to tell us much about what is required in the situations that provoke us to wonder about respect in the first place. We do get a bit more content when the objects of respect are people. As Raz notes, one of the things that makes respectful treatment of people especially exigent is that people are aware of respect and of disrespect. They not only respond to being disrespected; they respond to others’ response to their response to it, and so on. This is crucial to filling in the abstract requirements of respect for persons and to Raz’s whole argument that seeks to take us from respect for value to respect for persons. It is also the source of Hobbes’s well-founded worry about the risks of respect inflation. So let us turn, in conclusion, from the problem of how to explain the duty of respect to some briefer reflections on the problem
of how to contain it. What I have to say in this section is offered less by way of critique than elaboration of some of Raz’s more suggestive ideas.

Signs of respect, being quasi-linguistic, are socially dependent. Does it show respect, or disrespect, for a man to hold the door for women? Does respect require one to greet strangers on the woodland path or to pass quietly by? Everyone knows these matters are historically and cultural contingent. There is therefore a variable aspect to the duty of respect. But, at a given time and place, there is also an objective aspect, for the meaning of certain actions, decisions, and policies may be quite determinate in that context. When the U.S. Supreme Court declared, in Plessy v. Ferguson, that if racially segregated railway compartments are a sign of inferiority—a mark of disrespect—then that is “solely because the colored race chooses to put that construction upon it,” what the Court said was simply false. The “colored race” did so construe apartheid, but they were correct to construe it that way, because that was how it was generally and reasonably construed in the circumstances. In light of its history, its putative justifications, and its consequences, segregation was a badge of inferiority, as clear a sign of disrespect as one might find, and about as hard as a social fact can be.

Plessy is an ugly example of the social construction of disrespect; it is also a very easy one. There are more difficult cases, especially in contexts of rapid social change or where the customs of engagement among different communities are unsettled. In 2008, the BBC World Service broadcast a radio program exploring the views of contemporary British Muslims about sex and sexuality. Some Muslim listeners e-mailed the producers to complain that the very airing of the program failed to show proper respect for Islam and, thus, for Muslims. (The inferential or associative “thus” in the preceding sentence is one of the things Hobbes warns us about.) The producers replied that it showed no disrespect: the subject was treated seriously, there was nothing salacious, diverse views were represented, none were mocked, and so forth. Yet, that offered no answer to those Muslims who considered the whole matter utterly private and off-limits for public consumption, especially among nonbelievers. The lively radio banter profaned the sacred and made some believers feel as if they were being treated as specimens rather than citizens. Respect, they felt, required a modest silence in this area.

Now this is certainly not a Plessy-type case. It would be mistaken to declare either side correct about the social meaning of the documentary.

Were there two context-dependent truths? Was there no truth of the matter? I do not know what to say, which may be a good thing, as it suggests that the hegemonic attitudes that produced a clear social meaning in Plessy’s America are, for now, absent in Britain, at least on this topic. But the pluralism that causes my uncertainty also fuels the Hobbesian worry. Where social meanings are endemically open to dispute, we may feel we are treading on eggshells. On the one hand, had the BBC ignored discussions of sexuality internal to Muslim communities in Britain—had it given them no thought at all—it could have reinforced social isolation with disrespect for persons by excluding Muslims from a lively national conversation about sexuality that has been going on at least since the 1960s. On the other hand, for an elite organ of the majority culture to survey an area of a minority’s life that some members consider wholly private may deny them respect as persons capable of deciding where the boundaries of publicity and modesty should be drawn.

Here the facts matter, and they are complex. Raz offers one suggestion to guide interpretation. People are disrespected only if their feelings of hurt and offense are reasonable. There are surely some conceptual constraints on what can reasonably be taken as a sign of disrespect: the disrespectful action must be one that can be intentionally performed, interpreted as communicative, and probably not so common as to be socially unavoidable. But these constraints may all be satisfied, and it may still be unreasonable to take an action as disrespectful for, Raz argues, what is reasonable is itself (in part) socially dependent. Whether it is reasonable to think that broadcasting a radio program is a mark of disrespect depends on the role such programs play in the life of the country—for example, whether they are (or are taken to be) the authoritative voice of the society; whether everyone can participate in them and, if so, under what conditions; and whether there are alternate channels to get out a competing message or to criticize the broadcasting of the message in the first place. The way the media function among societies is variable, not constant. The fact that some minorities recently emigrated from regimes in which radio programs are subject to state control may make it hard for them to negotiate a culture in which such things are more of a squabbling free-for-all (though subject to its own, different limits). If their sensitivities are unreasonable, they are also understandable.

Even when feelings of hurt and alienation are patently unreasonable—for instance, one on the part of one who feels disrespected simply because others do not share his religious views—it does not follow that we are morally at liberty in our response. Just as a right to free speech is compatible with reasons of other kinds for not speaking so as to

28. I thank Kate Greasely for helpful discussion of these points.
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gratuitously offend, a duty to respect others coexists with other important duties, including duties of justice and humanity. Raz writes, “Duties of respect for people require us to avoid causing the hurt which disrespect reasonably causes. But since, and to the extent that, we should avoid hurting people we have reason (though not a reason of respect) to avoid conduct which will hurt through being perceived as disrespectful, whether or not it is, and whether or not the hurt is reasonable, or proportionate to the offence” (171–72). That is humane. It would have terrified Hobbes, for whom unreasonable hurt and disproportionate reactions are the very things that give rise to the conflicts that need to be moderated.

Hobbes’s own solution was, in a way, to monopolize respect for persons, by transmuting it into respect for the artificial person of the sovereign, whose commands henceforth mark the boundaries between reasonable and unreasonable responses to others, and then secure them with “a common Power to keep them all in awe.” That unhappy solution requires an unreasonable degree of trust in that Person who is, at the end of the day, an assemblage of persons much like ourselves. But there is a milder version of Hobbes’s thesis, one that recognizes the importance of authoritative boundaries while rejecting any claim to absolute authority. Collectively, if not individually, we can dampen insecurity about respect through a range of familiar institutional devices: protection for basic liberties, laws that are not only just but sensitive, legal and political mechanisms that sustain tolerance while making it plain that some sorts of hurtful communication do not speak for the community and are merely tolerated. These strategies may not be able to turn around Hobbes’s worst-case scenario once it has settled in, but they can make it less likely that we will reach the tipping point beyond which mutual suspicions of disrespect bring about that worst case. There are limits to what law can do. But we should resist joining those who are equally confident in the causal powers of law and legal institutions when it comes to doing harm and of their causal impotence when it comes to doing good.

A second moderating force is just as important, though more difficult to effect since it requires us to look inward. It aims to change not social meanings but our individual responses to them. People are alert to whether they are being treated with respect, as respect is understood in their society. But as conscious agents we also have some control—even if only partial and indirect—over our own sensitivities. We should not forget that the capacities that make persons special—including their responsiveness to respect and their attitudes to it—can be deployed reflexively. In fact, when we treat others as if they lack the power to

reflect on and, when appropriate, adjust their own responses in the
direction of the reasonable, then we fail to respect them as persons and
in a paradigmatic way.

One point of entry here might be this: while people are concerned
that others show them the proper signs of respect, they are usually more
concerned that others not display signs of disrespect. This does not
seem logical, but I think it is true. What count as, or are taken as, signs
of disrespect often have a salience that signs of respect lack. The duty
to respect persons is thus a bit like what used to be called “negative
utilitarianism,” according to which it is more urgent to prevent pain
than to promote pleasure. If we could bring ourselves to worry less about
whether we have received a full measure of respect than about whether
we have been subject to significant disrespect, the symbolic temperature
of our societies would cool somewhat. The hope is that together reg-
ulation and reflection can do for Hobbes’s worry about respect inflation
something like what they eventually did for the (not unrelated) problem
of dueling. Indeed, the embrace of such restraints might itself become
a gesture of respect for others who share our general sphere but with
whom we are bound, at times, to disagree.