The public conception of morality in John Rawls’ political liberalism

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Abstract
This paper proposes an interpretation of the conception of morality that remains relatively vague in John Rawls’ political liberalism. It begins with Rawls’ remark that the political conception of justice is also a moral conception, which is puzzling when taking into consideration Rawls’ explicit avoidance of comprehensive moral doctrines in constructing the political conception of justice. In response, this paper proposes the public conception of morality that is structurally justificatory rather than substantively foundationalist. This conception is then further developed by addressing two critical questions concerning the necessity of avoiding comprehensive moral foundations and the source of objective prescriptivity in a justificatory view of morality. The former is situated in an analysis and reinterpretation of Alasdair MacIntyre’s reading of Søren Kierkegaard’s *Either/Or*, and the latter is demonstrated through a comparative study of two leading justificatory theories of morality by Rainer Forst and Thomas Scanlon. Finally, the public conception of morality is fully developed to show that it both defines and defends the political conception of justice.

Keywords: morality; John Rawls; political liberalism; pluralism; justification; Rainer Forst; Thomas Scanlon

When John Rawls made the transition from *A Theory of Justice* to *Political Liberalism*, he adopted a new family of conceptions to define his political turn. Central to this new family of conceptions is the political conception of justice. According to Rawls, one of the three features of the political conception of justice is that it is ‘a moral conception worked out for a specific kind of subject, namely, for political, social, and economic institutions’.1 In ‘The Idea of Public Reason Revisited’, Rawls states that ‘political values are intrinsically moral’.2 In his last work, *The Law of Peoples*, Rawls also makes references to ‘the political (moral) conception of right and justice’ and ‘political (moral) ideals’.3 Together, these remarks point to a puzzle regarding Rawls’ understanding of morality in the domain of the political. On the one hand,
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Rawls distinguishes between the political conception of justice from what he calls ‘background culture’ that consists of reasonable comprehensive religious, philosophical, and moral doctrines. On the other hand, his remarks obviously suggest that the political conception of justice is intrinsically moral. Unfortunately, Rawls never fully explains what he means by morality in relation to the political conception of justice. So the guiding question of this paper is: if Rawls thinks that the political conception of justice is indeed a moral conception, what conception of morality does he hold? In other words, how should one understand Rawls’ ‘political turn’ when Rawls demarcates the domain of the political as one part of the domain of the moral?

The thesis I wish to defend is that Rawls (implicitly) endorses what I will call the ‘public conception of morality’ which is the focus of an overlapping moral consensus among comprehensive moral doctrines. The ‘public’ characteristic of this conception of morality rests on its replacement of controversial moral foundation with a reasonable and justificatory structure. The public conception of morality serves as a filter through which reasonably justified ideals, principles, and standards enter into the shared public culture from which the political conception of justice draws its basic ideas and principles. In the rest of the paper, I will begin by proposing a working definition of the public conception of morality. Then, I will defend the conception by addressing two critical questions. First, what warrants the radical replacement of controversial moral foundation with a reasonable and justificatory structure? In response, the first question will be situated in Alasdair MacIntyre’s reading of Søren Kierkegaard’s Either/Or. Despite many (correct) criticisms against MacIntyre’s interpretation, I will show that the ‘criterionlessness’ presented in Either/Or can be interpreted as the criterionlessness to choose among a plurality of equally reasonable foundations of morality, which points to the need for a structurally justificatory rather than a foundationalist approach to morality. This shift, I will argue, plays a significant role in Rawls’ political turn. Second, one might also object that once a pluralistic and non-foundationalist view of morality is accepted, it is almost inevitable to be suspicious of the authority of morality, which is traditionally derived from its objective and prescriptive foundations. One may indeed ask: How does the public conception of morality, which no longer relies on any substantive moral foundation, account for the objective prescriptivity of morality? This doubt is carried to the extreme by J. L. Mackie’s anti-realist claim that objective morality does not exist. To address the second objection, I will argue that a justificatory view of morality can maintain both its pluralistic grounding and its objective prescriptivity. In particular, I will focus on two justificatory approaches to morality developed by Thomas Scanlon, and more recently by Rainer Forst. Although both approaches defend the objective prescriptivity of morality through justification, Forst’s approach makes the principle of justification itself a foundation of morality, which defeats the purpose of his ingenious attempt to offer a non-foundationalist theory. Scanlon’s approach, on the other hand, understands morality by appealing only to a justificatory structure, which not only avoids the problematic foundationalist
implications but also complements Rawls’ political liberalism by capturing the
essence of the public conception of morality.

After addressing these two questions, I will fully develop the public conception
of morality and respond to the objection that adopting it simply flies in the face of
Rawls’ expressed intention behind his political turn, which is to move from Kantian
constructivism in moral theory to political constructivism in political philosophy. My
response is twofold. On the one hand, my formulation of the public conception
of morality is consistent with Rawls’ intention for his political turn. On the other
hand, the public conception of morality supports the justificatory structure of the
domain of the political, which is the focus of political constructivism, and it explains
the source of legitimacy and authority of political actions. The public conception of
morality thus both defines and defends the political conception of justice.

**RAWLS’ CONCEPTION OF MORALITY: A PUZZLE**

John Rawls makes what many refer to as the ‘political turn’ with his *Political
Liberalism*. The reason for the political turn is that in the earlier work, *A Theory of
Justice*, ‘a moral doctrine of justice general in scope is not distinguished from a
strictly political conception of justice’, and that a vision for a well-ordered society
where all its citizens endorse the same conception of justice on the basis of a singular
and comprehensive doctrine is ‘unrealistic’, given that modern democratic societies
are characterized by ‘a pluralism of incompatible yet reasonable comprehensive
doctrines’. Accordingly, the fundamental question political liberalism wishes to
address is:

> How is it possible that there may exist over time a stable and just society of free and
equal citizens profoundly divided by reasonable though incompatible religious,
philosophical, and moral doctrines? Put another way: How is it possible that deeply
opposed though reasonable comprehensive doctrines may live together and all
affirm the political conception of a constitutional regime?

Given what Rawls calls ‘burdens of judgment’ that leave no way to politically resolve
fundamental disagreements among reasonable comprehensive doctrines, the only
sensible thing to do is to ‘apply the principle of toleration to philosophy itself:
the public conception of justice is to be political, not metaphysical’. In other words,
Rawls shifts the task of political philosophy from the ‘search for moral truth
interpreted as fixed by a prior and independent order of objects and relations’ to the
‘search for reasonable grounds for reaching agreement rooted in our conception of
ourselves and in our relation to society’. The specific solution is what Rawls calls
the ‘overlapping consensus’, which is ‘a consensus in which a diversity of conflicting
comprehensive doctrines endorse the same political conception’, each from its own
point of view. The political conception, to use Rawls’ own terminology, works as a
‘module’ that fits into and can be supported by a variety of reasonable comprehen-
sive doctrines. The aim of political liberalism is thus a practical one: it formulates a
political conception of justice that expresses citizens’ ‘shared and public political
reason', and it is at the same time 'as far as possible, independent of the opposing and conflicting philosophical and religious doctrines that citizens affirm'. Since comprehensive religious, philosophical, and moral doctrines are left outside the domain of the political, Rawls suggests that we should start by looking at 'the public culture itself as the shared fund of implicitly recognized basic ideas and principles'.

For instance, the public political culture of a democratic constitutional society takes as its fundamental ideas that society is a fair system of cooperation over time, from one generation to the next, that citizens are free and equal persons, and that a well-ordered society is one that is effectively regulated by a political conception of justice.

There are three features of a political conception of justice that is the focus of an overlapping consensus: first, 'such a conception is, of course, a moral conception ... worked out for a specific kind of subject, namely, for political, social, and economic institutions'; second, 'it is presented as free-standing and expounded apart from, or without reference to, any such wider background'; third, 'its content is expressed in terms of certain fundamental ideas seen as implicit in the public political culture of a democratic society'. In a footnote, Rawls further comments that in saying that a conception is moral, he means 'among other things, that its content is given by certain ideals, principles and standards; and that these norms articulate certain values, in this case political values'. Together, these remarks point to a puzzle regarding Rawls' understanding of morality. Since Rawls is explaining what it means for a political conception of justice to be moral in the footnote, it is reasonable to interpret the statement to mean that the content of the political conception of justice is given by certain moral ideals, principles, and standards. But one cannot understand these ideals, principles, and standards to imply comprehensive moral doctrines. Moreover, it is almost certainly wrong to say that the political conception of justice is amoral or even immoral. So how should one reconcile Rawls' remark that the political conception of justice is 'of course' a moral conception with his explicit commitment to exclude comprehensive moral doctrines from the domain of the political? Besides the footnote, the only concrete clue we have from Rawls is his claim that 'the distinction between political conceptions of justice and other moral conceptions is a matter of scope, that is, the range of subjects to which a conception applies, and the wider content a wider range requires'. It is clear that Rawls has in mind a broader conception of morality, and a narrower conception of political justice, which naturally follows given Rawls' distinction between comprehensive doctrines and the limited political conception of justice. But this does not help us understand what specific conception of morality Rawls has in mind.

If the political conception of justice is the focus of an overlapping consensus, which is reasonably justified and publicly endorsed among all citizens, and if the political conception of justice is also a moral conception, in that the latter supplies the former ideals, principles, and standards for political purposes, and if the distinction between political conceptions of justice and other moral conceptions is, as Rawls puts it, only 'a matter of scope', then it is reasonable to assume that the conception of morality Rawls has in mind bears two similar features: reasonable justification and
By ‘reasonable justification’ I mean that morality, like the political conception of justice, is not grounded on any particular foundation that supports comprehensive doctrines; instead, it is justified independent of them. By ‘public endorsement’ I mean that moral principles in the domain of morality are publicly known and respected by all reasonable citizens. They contribute to the shared public culture from which the political conception of justice draws its basic ideas and principles. I will call this the public conception of morality. On the one hand, the concept itself is not understood as grounded on any comprehensive foundations; instead, it serves as a justificatory structure to keep ideals, principles, and standards that are not reasonably justifiable outside the domain of morality and thereby outside the domain of the political. On the other hand, the content of the public conception of morality consists of ideals, principles, and standards that are reasonably justified and publicly endorsed by all reasonable members of society, some of which, as Rawls suggests, will serve as basic ideas and principles of the political conception of justice.

Two questions immediately arise. First, why do we need the public conception of morality? In other words, what warrants the avoidance of grounding morality according to comprehensive moral doctrines? Second, how does the public conception of morality, without a substantive ground, account for the objective prescriptivity associated with our commonsense understanding of morality? In the next two sections, I will defend the public conception of morality by addressing these two questions. Then, in the last section, I will fully develop the conception and draw some implications.

THE SOURCE OF MORAL PLURALISM

One of the best places to find the answer to the first question is Søren Kierkegaard’s Either/Or, because it casts doubt upon traditional foundationalist views of morality. In Either/Or, we are presented with a duality between the young man ‘A’ who advocates the aesthetic way of life with essays addressed to an unspecified audience, and the Judge that advocates the ethical way of life with letters addressed to ‘A’ so as to convince the latter to abandon aesthetic melancholy and commit to the ethical way of life. Between these two ways of life, how ought one to choose? What grounds our choice to be moral? According to Alastair MacIntyre, for a person confronting this choice, there is really no reason for her to adopt one rather than the other:

Suppose that someone confronts the choice between them having as yet embraced neither. He can be offered no reason for preferring one to the other. For if a given reason offers support for the ethical way of life ... the person who has not yet embraced either the ethical or the aesthetic still has to choose whether or not to treat this reason as having any force ... He still has to choose his first principles, and just because they are first principles, prior to any others in the chain of reasoning, no more ultimate reason can be adduced to support them.

For an individual choosing whether her life shall be guided by the aesthetic or the ethical, the choice cannot be a rational one in either case, since it is itself the choice of
what will count for the agent as a reason. Let’s call this *argument from rational choice*. MacIntyre also puts the problem in terms of authority. The ethical, according to MacIntyre, ‘is presented as that realm in which principles have authority over us independently of our attributes, preferences and feelings’. But the question is: ‘whence does the ethical derive this kind of authority?’ Since ‘A’ does not have any reason to prefer the ethical over the aesthetic, it is difficult to imagine how the ethical is to have any authority on ‘A’, which means that he is free to abandon the ethical view anytime he wishes. Let’s call this *argument from authority*. Thus, MacIntyre reaches the controversial conclusion that the choice to be ethical must be an arbitrary one.

MacIntyre’s interpretation invited criticisms from all fronts. It is widely shared among Kierkegaard scholars that MacIntyre’s interpretation of *Either/Or* as embodying a criterionless choice is inaccurate and does not do justice to Kierkegaard’s larger philosophical project. For instance, John Davenport argues that what is at stake in the choice between the aesthetic and the ethical is not what will effectively count as reason for ‘A’; instead, it is primarily about the possibility for ‘A’ to develop what Davenport calls ‘volitional conditions’ sufficient enough to motivate ‘A’ to choose moral principles whose authority the latter is already cognitively aware.

Drawing from the distinction developed by Harry Frankfurt between first-order desires and second-order volitions, Davenport argues that the choice between the aesthetic and the ethical perspectives is in fact ‘the choice *either* to be wanton, or to become a “person” in the full Frankfurtian sense’. MacIntyre thus reaches the wrong conclusion, because ‘Kierkegaard’s Judge holds that having a *self*, or being a person capable of moral responsibility, depends primarily on a specific sort of intrapersonal volitional relation.’ As for ‘A’, Davenport compares him to someone who knows the rules of the road, but never drives. When that someone nervously decides to take the driver’s seat for the first time, of course they do not think of this decision as creating whatever authority they recognize in the traffic laws. The authority is recognized antecedently to the choices that make it action-guiding for the individual. Similarly, the person who makes the primordial choice to begin forming volitional identifications is not grounding the normative force of moral precepts or ideals governing agent-commitments; rather, she is giving these precepts subjective application within her own will, or giving them personal relevance.

However, Davenport’s criticism does not succeed, because, even if his characterization of the primordial choice is accurate, it addresses only MacIntyre’s argument from rational choice. Davenport fails to explain why ‘A’, like someone who drives for the first time, would accept and abide by the rules of the road in the first place. This is MacIntyre’s argument from authority, which Davenport fails to fully address. The argument from authority poses a substantial question: Why be moral? According to Rainer Forst’s Kantian view of moral foundation:

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\text{the one who poses the question ‘Why be moral?’ in a principled way not only does not stand on the ground of morality, but in trying to answer this question cannot}
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succeed in getting there. The meaning of this question, if it has any at all, lies in showing how nonsensical it is since it asks for a kind of reason that cannot ground the moral point of view. The reason that can be given show, in one way or another, what interests or needs or ethical ideals of the one asking the question are satisfied or realized by morality. But precisely these reasons cannot be decisive ... since they only allow taking a hypothetical perspective on morality (depending upon whether the necessary satisfaction of interests or realization of values is available), and thereby fell short. To put it bluntly, simplifying somewhat, whoever asks this question is not taking up the moral point of view, and whoever takes it up sees the absurdity of the question. 31

For a Kantian who endorses the unconditional grounding of morality, all that is required of her is to be volitionally ready—their is even no room for any third-order recognition of the primordial choice, because there is no alternative to being moral. However, for someone who does not favor the Kantian grounding of morality, say people from MacIntyre’s father’s disillusioned generation, the process of recognizing the foundation of morality and identifying with moral demands on the second-order level is required. 32 Of course they can still choose to be moral by following tradition, for strategic reasons to cooperate with other people, or even because of the rational calculation to avoid despair and pain. But none of these reasons, according to Kantian moral philosophy, qualifies the person as truly moral. 33 Moreover, Christianity and many religious traditions ground the choice to be moral on something above the ethical perspective, and the source of moral authority lies not in this world but in God and the beyond. 34 Finally, sciences unavailable to Kierkegaard and Kant have recently proposed even more novel grounds for morality. Moral principles we take for granted are now said to be reducible to evolutionary advantages and neurobiological processes. 35 So now we have at least four types of moral foundations: the unconditional, the rational, the religious, and the scientific. It will be remembered that for the Judge in Either/Or, as well as for the majority of us, morality ‘amounts to a standpoint of universality’ in that ‘the ethical individual tries to will in such a way that her willing is absolutely valid for all people at all times who are faced with similar circumstances’. 36 The unconditional, the rational, the religious, and the scientific views of morality all claim to offer the true grounding of morality, they all support full-fledged comprehensive moral doctrines, and they each criticize others to be supplying the wrong reasons to be moral. Facing a plurality of reasonable moral foundations, what criterion does an agent have to choose among them? 37 For someone like ‘A’ in Either/Or, even if she tacitly recognizes the significance of the primordial choice and is volitionally ready to make the choice, she still needs to answer the question ‘why be moral’ on the second-order level before her activities become fully meaningful on the first-order level. Even if all roads indeed lead to Rome, we still need to address the reason why we choose this road and not others. Following this line of thought, MacIntyre’s reading of Either/Or is further developed to demonstrate (beyond his original intention of course) the criterionlessness of choosing the foundation of morality.

Because of the lack of criterion to choose among a plurality of moral foundations, traditional approaches to morality whose strength is contingent upon the exclusive
power and truth of their foundations are rejected by political liberalism to serve as the source for its political conception of justice. Moreover, since Rawls says repeatedly that the political conception of justice is still a moral conception, the public conception of morality needs to be non-foundationalist. But one might wonder if the public conception of morality is still properly speaking morality, since it no longer stands on any substantive ground. For instance, how can the public conception of morality explain the objective prescriptivity of morality that is usually derived from its foundation? Is the public conception of morality not powerless due to its groundlessness? In the next section, I will show that a justificatory view of morality, which is at the heart of the public conception of morality, can still maintain its objective prescriptivity.

**THE OBJECTIVE PRESCRIPTIVITY OF MORALITY**

If there is a plurality of moral foundations supporting a plurality of comprehensive moral doctrines, which seem to question the validity of each other, then how can we still account for the sense of objectivity and prescriptivity that we usually associate with morality? This question is shared by J. L. Mackie on a meta-ethical level through his arguments for an error theory of morality. Mackie’s controversial answer is that we cannot, and that there are in fact no objective values. In this section, I will show that morality maintains its objectivity in a justificatory rather than ontological sense. Then I will distinguish between two justificatory approaches to morality by Rainer Forst and Thomas Scanlon, and conclude by demonstrating that only Scanlon’s truly non-foundationalist approach meets the challenge presented in the previous section.

**Two senses of objectivity**

Mackie offers two arguments for his controversial conclusion. Since there is clear ‘variation in moral codes from one society to another and from one period to another, and also the differences in moral beliefs between different groups and classes within a complex community’, the best explanation of moral diversity is the nonexistence of objective moral values. This is Mackie’s first argument from relativity. Mackie’s second argument is that there is a sense of queerness in our understanding of morality as objective and prescriptive. Richard Garner argues convincingly that the queerness of morality has to do with the force of morality—its queer objective prescriptivity or the ‘must-be-doneness’. Garner sums up the queerness in two concise propositions: ‘If moral facts were neutral, then moral judgments would be objective without being prescriptive ... If, on the other hand, moral facts derive their value from subjective sources, then the commands of morality would be prescriptive without being objective’. Although our ordinary use of moral concepts requires the presence of both objectivity and prescriptivity, it is hard to believe in objective prescriptivity because ‘it is hard to make sense of a demand without a demander’. Compared with other objective properties, Mackie thinks that it is only queer that morality is so different. Mackie’s two arguments show us the
heart of the problem with morality in modernity: how can we accept the fact that there is a plurality of moral foundations and still maintain the objective prescriptivity of morality? In order to answer this question, we must first counter Mackie’s arguments. Since the argument from queerness is more challenging and also the more relevant one to our discussion, I will limit my response to it by drawing a distinction between two types of objectivity.

Mackie’s argument from queerness includes both a metaphysical part which says that objective values would have to be ‘entities or qualities or relations of a very strange sort, utterly different from anything else in the universe’, and an epistemological part which says that our awareness of these queer qualities ‘would have to be by some special faculty of moral perception or intuition, utterly different from our ordinary ways of knowing everything else’.\(^{42}\) However, morality can be said to be objective in two ways. The strong view of moral objectivity rests on its ontological focus by making references to naturalistic or metaphysical entities and manifests the independent truth of those entities. Let’s call this ontological objectivity. The weak view of moral objectivity instead depends on the justificatory dimension of morality. Morality can also be objective because it is reasonably justified to all. Let’s call this justificatory objectivity. The criterionlessness regarding the foundation of morality makes it clear that morality can no longer be objective in an ontological sense, and Mackie is correct to argue that morality is not objective ontologically. However, if we can defend justificatory objectivity against the argument from queerness, morality can still maintain its objectivity and authority.

According to Rainer Forst, justification is behind everything.\(^{43}\) A variety of definitions of human beings, such as *animal rationale* and *animal sociale*, essentially characterize humans as justifying and reason-giving beings.\(^{44}\) Thomas Scanlon shares a similar view. The essence of Scanlon’s contractualist moral theory is famously summarized in his principle: ‘An act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced general agreement’.\(^{45}\) This principle neither makes reference to the ontological and epistemological aspect of moral reality, nor does it appeal to any metaphysical truth. Instead, ‘the contractualist ideal of acting in accord with principles that others (similarly motivated) could not reasonably reject is meant to characterize the relation with others the value and appeal of which underlies our reasons to do what morality requires’.\(^{46}\) In other words, the objective basis of morality need not rest on naturalistic or metaphysical entities. Instead, it can be normatively constructed through mutually justificatory relations.

It will be remembered that the source of the queerness of morality is its objective prescriptivity. Once we adopt justificatory objectivity, this sense of queerness disappears. On the one hand, morality is objective. As for the epistemological part of the argument, one might respond that moral objectivity need not lie in its ‘external’ reality as ontological objectivity suggests; instead, morality is objective because moral demands can be reasonably, that is, reciprocally and generally justified to all. As for the metaphysical part of the argument, one might similarly respond that
moral reasons are ‘independently’ valid regardless of the agent’s subjective motives, and they are reasons for all without their corresponding to a transcendent reality that must be ‘discovered’ with special faculties.⁴⁷ On the other hand, morality is prescriptive in virtue of its justificatory objectivity. Moral demands are ‘subjective’ only insofar as that it is ‘I’ who demands it. Moral demands are equally ‘objective’, because these demands must first pass the test of reasonable justification in order to be ‘moral’. To ask for an answer to the question of ‘what ought I to do’ is also to demand a justification for the answer, and moral questions are ‘answered only with strictly shared reasons; they are “objective” insofar as they cannot be reasonably (reciprocally or generally) rejected’.⁴⁸ Therefore, even though it is ‘I’ who utters the moral demand, it is really the justifying and hence the objective ‘we’ that give this demand its prescriptive power. Being reasonably justified excludes any moral reasons for an agent not to follow the demand, because so doing will be against her justifying and reason-demanding human nature (according to Forst) and will exclude herself from the cooperative relation (according to Scanlon).⁴⁹ A justificatory view thus maintains the objective prescriptivity of morality. Once we adopt justificatory objectivity, the sense of querness disappears and one does not have to accept Mackie’s overall conclusion that there are no objective values.

Two types of justification
Both Forst and Scanlon agree that the only answer to moral questions must be a justified one, and that the objective prescriptivity of morality follows from its justificatory basis. Yet their approaches diverge when it comes to how the criterion of justification is derived and whether or not justification should play a foundational role. These differences are especially important because previous discussions have demonstrated that a viable conception of morality in political liberalism must not insist on an absolute foundation. In this section, I will argue that Forst’s view of justification is foundationalist in essence, since it still requires a fundamental consensus among people, whereas Scanlon’s view is non-foundationalist by design, because it has a thorough focus on dissensus. Although both are promising approaches to maintain the objective status of morality, Scanlon’s approach better accommodates moral pluralism, which meets the demand of the public conception of morality.

In The Right to Justification, Rainer Forst offers a reconstructed Kantian theory of normativity. Forst accepts both the general and reciprocal nature of morality as formulated by Kant, but he also admits that Kant grounded his conception of morality on an utterly implausible theory of normativity, in that as practical and rational persons we have a mysterious ‘absolute “must” rammed into us’, which contradicts the autonomy of morality.⁵⁰ Instead of abandoning the notion of unconditionally binding norms, Forst tries to make it intelligible. According to Forst, this reason-giving and reason-demanding property of human beings is a good candidate to ground something as general and reciprocal as Kantian morality without resorting to a metaphysical ‘must’. The approach is therefore to regard justification, rather than a mysterious ‘absolute “must”’ as the most fundamental nature of a moral
being, and the right and duty to justification as the most fundamental moral right and demand. On the basis of a general and reciprocal understanding of justification, Forst argues that morality will maintain its unconditional status without implying an implausibly metaphysical foundation. But what concerns thinkers like Ernst Tugendhat is not only that morality is grounded but also how it is grounded, and many argue that if Kantian morality cannot be rationally grounded, it should be abandoned. To overcome this criticism, Forst distinguishes between rational grounding and reasonable justification. Rational grounding needs to appeal only to a person’s ‘enlightened self-interest’ without considering whether others will accept the validity of answer or treat it as good reason. Reasonable justification, on the other hand, requires both validity and intersubjective acceptance. With this important distinction drawn, it seems that Forst is ready to address the plurality of reasonable moral foundations. However, following Kant, Forst claims that ‘a categorical and unconditionally valid morality cannot stand on an instrumentally or ethically hypothetical foundation. It requires an unconditional ground’.51 If a moral demand is right, it must mean that the (right) reason for this demand is similarly shared by all moral agents, which gives the demand its objective prescriptivity. Instead of a metaphysical ‘must’, Forst attributes this unconditional grounding to the simple fact of ‘being human’.52 The recognition of a moral ‘ought’ is part of our nature as justifying, reason-giving, and reason-deserving beings. In other words, morality is objective because human beings fundamentally share a reason for morality that is also part of our justificatory nature. Although Forst admits that there may be a plurality of sources to normativity in general, ‘such a plurality of sources does not exist in the case of morality—that is, with regards to what human beings “owe” to each other as human beings’.53 Thus, morality is uniquely and unconditionally grounded in our justificatory human nature, on the basis of which people have the right to justification, and only norms that are reciprocally and generally justified are acceptable. This threefold truth, according to Forst, is a fundamentum inconcussum.54

Forst’s view of justification as the unconditionally true foundation of morality conflicts with our previous discussion of moral pluralism. Moral agents who do not share this unconditional grounding of morality but instead see themselves as motivated to act morally because of their religiously sinful nature will not find this account persuasive, and neither will moral agents who subscribe to other philosophical accounts of morality, such as those who ground morality on an utilitarian foundation, because against the background of moral pluralism, Forst’s moral foundation is in no unique position to dismiss other foundations. Forst recently further developed his theory of justification to support what he calls a ‘critical theory of politics’ on the basis of this foundationalist view of justification.55 Motivated by the same worry of Forst’s foundationalist approach, Stephen White asks: ‘Why does Forst feel compelled to attach his project of a specifically critical theory to such an absolutist perspective?’56 White argues that neither of the two reasons Forst gives—first, critical theory has a need for the sort of foundationalism he offers, and second, deontological theory requires a strong moral foundation of right and duty of justification—is convincing.57 Forst responds that he indeed wishes to be ‘non-foundationalist—in
fact anti-foundationalist—but in a well-grounded way. His approach does not live up to his ambition, however, when he replaces the foundation of morality and politics with the justifying human nature and principles of justification. The fact that Forst can account for the Kantian ‘mysterious must’ without resorting to the metaphysical world of noumenon does not mean that his version of moral foundation is not at all controversial among a plurality of reasonable moral foundations. Contrary to Forst’s intention, he cannot have the cake and eat it too. The implication is clear: Forst’s absolutist approach to morality, despite its capacity to address a plurality of phenomenon and its seeming focus on dissensus, nevertheless relies on a monist foundation and requires a foundational consensus that goes against the pluralistic spirit of modernity. As Alessandro Ferrara puts it, ‘If we value pluralism, then we must honor pluralistic intuitions all across the board, consistently’. This means that we must begin with pluralism, rather than trying to catch up with it on monist grounds.

Scanlon’s view of justification, on the other hand, avoids this problem. Unlike Forst’s consensus theory in disguise, Scanlon’s view has a dissensus focus through and through. The essence of Scanlon’s moral theory is summarized in his principle: ‘An act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced general agreement’. Contrary to Forst’s requirement that the right reason must be accepted by moral agents as a shared justificatory ground for morality, Scanlon’s model regards an act as justified not necessarily because people share the same reason but because they do not find other people’s reasons rejectable, which presupposes an inclusive basis to accommodate different reasons to be moral. In addition, Forst and Scanlon define reasonableness, their key criterion for justification, in two different ways. Forst defines reasonableness as reciprocity and generality. However, both components are essentially derived from a Kantian foundation that does not necessarily speak to a pluralistic audience. Although Scanlon does not define reasonableness as clearly as Forst, he nonetheless argues that he uses the term to highlight only ‘the desire to find principles which others similarly motivated could not reasonably reject’. People might have different reasons to endorse the same moral principle, which can still be justified so long as their reasons are not rejectable by other people who share the same reasonable desire to justify the principle. For instance, murdering an innocent person remains wrong despite the fact that people with different ethical views might have different (unconditional, rational, religious, or scientific) reasons to reject the act of murder. Following Scanlon, moral objectivity replaces its epistemological task with a practical one, which point is shared by Rawls when he makes the political turn and shows that Scanlon’s justificatory view of morality indeed complements Rawls’ project of political liberalism, to which point we shall return later.

**TOWARDS A PUBLIC CONCEPTION OF MORALITY**

The guiding question of this paper is how to understand Rawls’ conception of morality in the domain of the political, given his seemingly contradictory remarks
that the political is a moral conception and that we should avoid comprehensive moral doctrines in the domain of the political. In order to address this problem, I proposed the public conception of morality, which invited two questions. First, what justifies the deep sense of moral pluralism that warrants the avoidance of comprehensive moral doctrines? Second, how can a justificatory view of morality account for the apparent objective, authoritative, and reason-giving characteristics of morality? In response to the first question, we know that a non-foundationalist view of morality is necessary given reasonable moral pluralism. In response to the second question, we know that a non-foundationalist view of morality needs to be structurally justificatory. Now we are in a good position to return to our hypothesis and clarify the details of the public conception of morality.

The realization that morality has a plurality of reasonable foundations leads to a clear contrast between a foundationalist view and a structural view of morality. The latter, when situated in shared public culture of a democratic society, is what I refer to as the public conception of morality. Morality of course refers to the domain of ideals, principles, and standards concerning the distinction between right and wrong. But the public conception of morality has two additional qualifications: 1) it is devoid of the traditionally ontological character of morality, meaning that the objective prescriptivity of morality no longer hinges upon the independent truth regarding the foundation of morality but on its possibility of being reasonably justified; 2) its objective prescriptivity is justificatory only in structure, meaning that the principle of reasonable justification cannot itself play a foundationalist role. The public conception of morality therefore serves as a filter through which reasonably justified ideals, principles, and standards enter into the shared public culture from which the political conception justice draws its basic ideas and principles. When Rawls says that the political conception of justice is a moral conception, he means ‘among other things, that its content is given by certain ideals, principles and standards; and that these norms articulate certain values, in this case political values’. It is clear now that these ‘ideals, principles and standards’ are reasonably justified and publicly endorsed moral ideals, principles, and standards that can serve a variety of purposes: giving meaning to people’s lives, actively guiding people’s behavior, setting limits to what the state can do, and so on. In the case of political conception of justice, they serve the particular purpose of expressing political values for the limited focus of the basic structure of a well-ordered society. In Rawls’ own words, ‘the distinction between political conceptions of justice and other moral conceptions is a matter of scope, that is, the range of subjects to which a conception applies, and the wider content a wider range requires’. The political conception of justice thus covers a narrower domain of subjects than the public conception of morality, but the former nonetheless shares the justificatory structure of the latter by virtue of being part of the shared public culture.

However, this interpretation of Rawls is likely to invite the objection that adopting the public conception of morality simply flies in the face of Rawls’ expressed intention behind his political turn, which is to move from Kantian constructivism in moral theory to political constructivism in political philosophy. My response is
twofold. First, the formulation of the public conception of morality is consistent with Rawls’ intention for the political turn as well as his later view of justification and objectivity. Second, the conception supports the justificatory structure of the domain of the political, which is the focus of political constructivism, and it explains the source of legitimacy and authority of political actions. The public conception of morality thus both defines and defends the political conception of justice.

As for the first point, although radical choice plays no role for parties in the original position and citizens in the model-conception of a well-ordered society, it nevertheless presents one of the most challenging tasks for political philosophers discussing and selecting public conception of justice. The criterionlessness to select the true foundation of morality and justice captured by Kierkegaard and MacIntyre is manifested by the fact of ‘diversity of reasonable comprehensive religious, philosophical, and moral doctrines’, which, according to Rawls, is ‘not a mere historical condition that may soon pass away; it is a permanent feature of the public culture of democracy’. This permanent feature calls for new ways of understanding a series of conceptions used in traditional theories of morality to address pluralism and its wide-ranging implications. Morality needs to be reformulated in order to meet the demand of modern justice. The public conception of morality, with its capacity for pluralism and intentional avoidance of foundationalism, shifts the focus of morality from truth to reasonableness, which meets the demand of Rawls’ political turn.

Nevertheless, this does not mean that the public conception of morality is simply applied moral theory for political purposes. In ‘Justice as Fairness: Political not Metaphysical’, Rawls argues that ‘justice as fairness is not intended as the application of a general moral conception to the basic structure of society, as if this structure were simply another case to which that general moral conception is applied’. The same can be said about the public conception of morality. It is not a full-fledged moral theory in the traditional sense, because it is neither foundationalist in essence nor comprehensive in scope. Instead, it is non-foundationalist and pluralistic. The source of its prescriptive objectivity comes not from the truth of its grounding but from its reasonable justificatory structure. Rawls holds a similar view of justification and objectivity when he argues that from the perspective of political constructivism objectivity should be ‘understood by reference to a suitably constructed social point of view’. This social point of view regulates the basic structure of society, and it is ‘publicly shared’ and ‘accepted by [citizens in a well-ordered society] as authoritative’. The agreement in judgments of justice thus arises not from the recognition of a prior and independent moral truth, but from ‘everyone’s affirmation of the same authoritative social perspective’. The public conception of morality precisely provides the justificatory and objective structure for this social perspective. For instance, that citizens in a well-ordered society are free and equal is an instance repeatedly used by Rawls in his political constructivism. This moral ideal is drawn from ‘basic intuitive ideas that are embedded in the political institutions of a constitutional democratic regime and the public traditions of their interpretation’. The reason why it can be used to construct and specify the domain of the political is because it is reasonably justified and publicly endorsed ideal that survives the filter of
morality. Consequently, this moral ideal is also considered to be justificatorily and practically objective and hence authoritative. The domain of the political thus relies on the supply of ideals, principles, and standards that are both reasonably justifiable and publicly endorsed.

From this perspective, Scanlon’s justificatory view of morality well complements Rawls’ political turn. According to Scanlon, our moral reality consists of three concentric domains. At the center is the narrow domain of what Scanlon calls ‘what we owe to each other’ that contains judgments of right and wrong that cannot be reasonably rejected anywhere. For instance, that murdering an innocent person is wrong is held universally. Beyond this narrow center is ‘the [second] domain of judgments of right and wrong that depend on reasons for rejection that people have only under certain social conditions’. Even further is the third domain where judgments ‘differ in a more significant way, since they are based not on the idea of what we owe to others but on the appeal of particular values that we may share’. These judgments in the broader sense can support ‘mutually incompatible standards of conduct’. This model leads to an interrelated relationship between what I will call the rational domain of the ethical, the public domain of the moral, and the political domain of justice.

The relationship between the public domain of the moral and the political domain of justice is already clear from Rawls’ remarks: the latter differs from the former only by a matter of scope, and the (narrower) political conception of justice is a (broader) moral conception. Both domains rely on reasonable justification among people who do not necessarily subscribe to the same comprehensive doctrines. But there are judgments that are not reasonably justifiable to every moral agent, but they are nonetheless justifiable rationally to people who subscribe to certain ideals, principles, and standards. It is helpful to draw a distinction between morality and ethics on the basis of how judgments are justified. To ask for an answer to the question of ‘what ought I to do’ is also to demand a justification for the answer. According to Forst, there are two types of answers. One type of answer regards the question as one about ‘the values, ideals, and “final ends” that constitute a good life and how this is then to be realized’ for us; the other type of answer requires ‘considering the legitimate claims of all morally affected persons’. The former is the ethical answer, and the latter the moral answer. Accordingly, we have two types of justification. Ethical justification is three-dimensional: it deals with the individual ethical person, those who share particular ethical views, and the ethical community. Regardless of which dimension one is in, ethical views can be justified on rational grounds, that is, on the basis of whether the judgments are in conformity with particular ethical principles. People from different ethical traditions may find themselves sharing no common ground whatsoever. Moral justification needs to cover far more ground, since categorically binding moral judgments must ‘in a strict sense be normatively justifiable equally in relation to every affected person’, which represent the two features of morality as reasonably justified and publicly endorsed. Some judgments can be rationally justified but cannot be reasonably expected to be endorsed by all moral agents. For instance, the doctrine that there is no salvation outside church can be rationally justified,
justified by appealing to Christian ideals and firmly endorsed by Christians who subscribe to a religious foundation of morality. However, for people who do not share similar conceptions of sin and salvation, such a doctrine cannot pass the test of reasonable justification. But this does not mean that this doctrine is meaningless; quite the contrary, it is rationally meaningful for people within the Christian ethical community, it is just not a moral doctrine in the public sense.

Following Rawls’ general division between the political conception of justice and reasonable comprehensive doctrines, we now have three analytical domains: the rational domain of the ethical, the public domain of the moral, and the political domain of justice, each covering a gradually narrower range of subjects for increasingly sharpened purposes. Rationally justifiable ethical doctrines that cannot be reasonably justified among all reasonable members of society will not be included in the shared public moral culture, which further prevents them from entering the domain of political justice. This model helps us conceptualize the solution to the initial puzzle and realize the consistency between the public conception of morality and Rawls’ political turn. The political conception of justice is indeed a moral conception, but it refers only to a reasonably justified and publicly endorsed source of morality.

As for the second point, the public conception of morality also demonstrates the source of state legitimacy and authority in political liberalism, which in turn validates Rawls’ political turn. As our previous discussion on the objectivity of morality has shown, the sense of objective prescriptivity of moral principles lies not in any metaphysical or empirical entities; instead, it lies in the justificatory structure. Moral demands are objective because these demands must first pass the test of reasonable justification in order to be moral in the public sense. Even though it may be ‘I’ who utters the moral demand, it is really the justifying and hence the objective ‘we’ that give this demand its force. If the political conception of justice differs from the public conception of morality only in scope, then the former also derives its power from its shared structure of public justification. Rawls calls this source of power ‘the liberal principle of legitimacy’, which says that ‘our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason’.79 In other words, only a political conception of justice ‘that all citizens might be reasonably expected to endorse can serve as a basis of public reason and justification’.80 The legitimacy and authority of state actions is explained by their public moral connotation without being reducible to any controversial moral doctrine.

In addition, the relationship between the public conception of morality and the political conception of justice also defends political liberalism against some perfectionist challenges and criticisms. For instance, some moderate liberal perfectionists challenge political liberalism by claiming that non-coercive state actions in support of certain ways of life do not take away the liberal outlook of a society.81 Moreover, some perfectionists also ask if state actions are moral, and if so then it seems that political liberalism also relies on a conception of morality that it tries very
hard to exclude from the domain of the political. As for the challenge, we now know that the source of legitimate state action lies in the justificatory structure, so any state action that cannot be reasonably justified to all citizens, coercive or not, is not only illegitimate but also amoral or even immoral in the public sense. As for the criticism, political liberals can respond to it by distinguishing between the public conception of morality that is reasonably justified to all reasonable members of society, and conceptions of morality that are only rationally defended by appealing to certain ethical ideals, principles, and standards that other reasonable members can reasonably reject. Legitimate state action is indeed moral, but not on any perfectionist ground; instead, it is moral only in accordance with reasonably justified and publicly endorsed ideals, principles, and standards.

Therefore, one need not worry whether the public conception of morality takes away the political emphasis of Rawls' political liberalism. On the contrary, it makes sense to conclude that a public conception of morality is what Rawls has in mind when he says that the political conception of justice is of course a moral conception. Justice has to be a moral conception, and justice in a pluralistic world requires a pluralistic conception of morality. The public conception of morality both defines and defends the political conception of justice.

CONCLUSION

The later Rawls leaves a puzzle regarding his conception of morality in political liberalism. Despite his commitment to exclude comprehensive moral doctrines, he makes it clear that the political conception of justice is nonetheless a moral conception. By addressing two critical questions regarding the necessity and the force of a justificatory view of morality, the public conception of morality is demonstrated to be a viable conception capable of reconciling the tension within Rawls' view of morality and justice. In addition, the public conception of morality is also shown to both define and defend the political conception of justice, which ultimately strengthens the case for political liberalism.

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NOTES

1. John Rawls, Political Liberalism, expanded edition (New York: Columbia University Press, 2005), 11.
2. John Rawls, 'The Idea of Public Reason Revisited', in The Law of Peoples (Cambridge: Harvard University Press, 1999), 174, Footnote 91; 137, Footnote 19.
3. John Rawls, The Law of Peoples (Cambridge: Harvard University Press, 1999), 24, 14, 17.
4. The (narrower) moral conception in relation to the domain of the political should be distinguished from the (broader) moral conception as such. This paper is primarily concerned with the former, as Rawls' first feature of the political conception of justice suggests. This distinction, as we shall see in the end of the essay, will be developed more fully as the distinction between morality and ethics.

5. I owe this formulation to the helpful comments of an anonymous reviewer. Similar concern has been raised from different angles in recent literatures, but the puzzle regarding Rawls' conception of morality in relation to the domain of the political is never fully addressed. See for instance Marcel Becker, 'E Pluribus Unum? Critical Comments on John Rawls' Concept of Overlapping Consensus', *Religion, State and Society* 41, no. 2 (2013): 188–98; Fabian Freyenhagen, 'Taking Reasonable Pluralism Seriously: An Internal Critique of Political Liberalism', *Politics, Philosophy & Economics* 10, no. 3 (2011): 323–42; and Andrea Sangiovanni, 'Justice and the Priority of Politics to Morality', *Journal of Political Philosophy* 16, no. 2 (June 2008): 137–64.

6. See Rawls, *Political Liberalism*, 8.

7. J. L. Mackie, *Ethics: Inventing Right and Wrong* (London: Penguin Books, 1991).

8. Thomas Scanlon, *What We Owe to Each Other* (Cambridge: The Belknap Press of Harvard University Press, 1998); Rainer Forst, *The Rights to Justification*, trans. Jeffery Flynn (New York: Columbia University Press, 2012); and Rainer Forst; Cambridge and Malden *Justification and Critique: Towards a Critical Theory of Politics*, trans. Ciaran Cronin (Cambridge and Malden: Polity, 2013).

9. Rawls, *Political Liberalism*, xv–xvi.

10. Rawls, *Political Liberalism*, xviii.

11. John Rawls, 'Justice as Fairness: Political not Metaphysical', *Philosophy and Public Affairs* 14, no. 3 (Summer 1985): 223.

12. John Rawls, 'Kantian Constructivism in Moral Theory', *The Journal of Philosophy* 77, no. 9 (September 9, 1980): 519.

13. John Rawls, 'The Domain of the Political and Overlapping Consensus', in *Collected Papers*, ed. Samuel Freeman (Cambridge: Harvard University, 1999), 486.

14. Rawls, *Political Liberalism*, 9.

15. Ibid., 8.

16. Ibid., 14.

17. Ibid., 11–13. These three features are repeated on Page 175: 'first that it is a moral conception worked out for a specific subject, namely, the basic structure of a constitutional democratic regime; second, that accepting the political conception does not presuppose accepting any particular comprehensive religious, philosophical, or moral doctrine; rather, the political conception presents itself as a reasonable conception for the basic structure alone; and third, that it is not formulated in terms of any comprehensive doctrine but in terms of certain fundamental ideas viewed as latent in the public political culture of a democratic society'.

18. Ibid., 11, Footnote 11.

19. Ibid., 175.

20. This is reasonable justification, which will be distinguished from rational justification that does not necessarily take into consideration other equally rational justifications. In his reply to Habermas, Rawls distinguishes three levels of justification. The first level constitutes merely a *pro tanto* justification through the representational device of the Original Position, which may be overridden by citizens’ comprehensive doctrines. The second level constitutes the full justification, where citizens evaluate the *pro tanto* argument to see if they can endorse it given their comprehensive doctrines. If so, an overlapping consensus is produced, and the *pro tanto* argument can be seen as derived from, or congruent with, or at least not in conflict
with citizens’ diverse but reasonable comprehensive doctrines. Finally, public justification obtains when all reasonable citizens have achieved full justification of the principles of justice, which are publicly known and respected. Thus, the political conception of justice is stable for the right reason, because each citizen is able to find within their own reasonable comprehensive doctrines the support needed to establish political consensus. For a recent attempt to revise the order of priority in Rawls’ theory of justification, see Jonathan Quong, *Liberalism without Perfection* (Oxford: Oxford University Press, 2011). For a critical review of this attempt, see Gerald Gaus, ‘Sectarianism without Perfection? Quong’s Political Liberalism’, *Philosophy and Public Issues* 2, no. 2 (Fall 2012): 7–15.

21. In this section, I will use ‘the ethical’ and ‘the moral’ interchangeably, primarily because both Kierkegaard and Davenport used them interchangeably. However, as we shall see in the end of the essay, morality is to be distinguished from ethics in that the former involves reasonable justification whereas the latter involves only rational justification.

22. Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, 3rd ed. (Notre Dame: University of Notre Dame Press, 2007), 40.

23. Ibid., 41.

24. Ibid., 42.

25. See John Davenport and Anthony Rudd, eds., *Kierkegaard after MacIntyre: and Essays on Freedom, Narrative, and Virtue* (Chicago and La salle: Open Court, 2001).

26. This is one of the three arguments Davenport developed in response to MacIntyre. For the other two arguments, see John Davenport, ‘The Meaning of Kierkegaard’s Choice between the Aesthetic and the Ethical: A Response to MacIntyre’, in *Kierkegaard after MacIntyre: Essays on Freedom, Narrative, and Virtue*, eds. John Davenport and Anthony Rudd (Chicago and La salle: Open Court, 2001), 75–112. For treatment of the other two arguments, see Ian Duckles, ‘Kierkegaard’s Irrationalism: A Response to Davenport and Rudd’, *Southwest Philosophy Review* 21, no. 2 (2005): 37–51.

27. According to Frankfurt, besides wanting and choosing and being moved to do this or that, ‘men may also want to have (or not to have) certain desires and motives’ according to some principles or standards that are not reducible to these desires and motives. This higher level will to go through or refrain from going through our basic desires and motives are referred to by Frankfurt as second-order desires or second-order volitions. Based on this distinction, Frankfurt introduces the idea of a wanton addict. Unlike an unwilling addict who has conflicting first-order desires but also has volition of the second order that prevents him from being neutral regarding his first-order desires, a wanton ‘does not prefer that one of this conflicting desires should be paramount over the other; he does not prefer that one first-order desire rather than the other should constitute his will’. In other words, the identity of the unwilling addict is defined by his second-order volition, whereas the identity of the wanton addict is defined by his lack thereof. For Frankfurt, a person who possesses a complete structure of the will must display both first-order desires and second-order volitions. Harry Frankfurt, ‘Freedom of the Will and the Concept of a Person’, in *The Inner Citadel: Essays on Individual Autonomy*, ed. John Christman (Oxford: Oxford University Press, 1989), 63–76.

28. Ibid., 87.

29. Ibid., 88.

30. MacIntyre does offer another explanation. The reason why an agent wishes to remain wanton despite fulfilling conditions (a) and (b) is because the aesthetic can indeed be chosen seriously: ‘I think of those young men of my father’s generation who watched their own earlier ethical principles die along with the death of their friends in the trenches in the mass murder of Ypres and the Somme, and who returned determined that nothing was ever going to matter to them again’. Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, 41.
31. Forst, *The Rights to Justification*, 33.
32. In Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, 49. MacIntyre argues that perhaps the aesthetic can indeed be taken seriously by such people as ‘those young men of my father’s generation who watched their own earlier ethical principles die along with the deaths of their friends in the trenches in the mass murder of Ypres and the Somme; and who returned determined that nothing was ever going to matter to them again and invented the aesthetic triviality of the nineteen-twenties’. These aesthetic people are also likely to reject Kantian morality because of its strong foundationalism.
33. This point is captured by the Prichard’s dilemma that says that morality cannot be justified. On the one hand, it is circular to appeal to anything moral to justify morality, like saying ‘you ought to do this because it is moral’. On the other hand, it defeats the whole purpose of justifying morality if one appeals to anything other than morality, such as utility and other goods, because a person ceases to be moral if something other than morality actually motivates her. The same Kantian point can also be expressed by making references to Bernard Williams’ article ‘Internal and External Reasons’, where unless the moral standpoint is already part of the supposedly amoral agent’s ‘subjective motivational set’, she cannot be said to be motivated by the right reason to be moral; but if she is already subjectively and motivationally moral, it is no longer necessary to persuade her to be moral. See Bernard Williams, ‘Internal and External Reasons’, in *Moral Luck: Philosophical Essays 1973–1980* (Cambridge: Cambridge University Press, 1982), 101–13.
34. See Kierkegaard’s own work, *Fear and Trembling* for instance.
35. See Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religions* (New York: Vintage, 2013); Joshua Greene, ‘The Secret Joke of Kant’s Soul’, in *Moral Psychology, Vol. 3: The Neuroscience of Morality: Emotion, Disease, and Development*, ed. Walter Sinnott-Armstrong (Cambridge: MIT Press, 2007); Joshua Greene, *Moral Tribes: Emotion, Reason, and the Gap between Us and Them* (New York: Penguin Books, 2014); Sharon Street, ‘A Darwinian Dilemma for Realist Theories of Value’, *Philosophical Studies* 127 (2006), 109–66; Dennis L. Krebs, *The Origins of Morality: An Evolutionary Account* (Oxford: Oxford University Press, 2011); and Robert Trivers, ‘Reciprocal Altruism’, in *Natural Selection and Social Theory: Selected Papers of Robert Trivers* (Oxford: Oxford University Press, 2002).
36. Ian Duckles, ‘A (Partial) Defense of MacIntyre’s Reading of Kierkegaard’, *Idealistic Studies* 36, no. 2 (2006): 143.
37. A version of this criterionlessness is discussed by Charles Taylor in his account of the rise of the ‘immanent frame’, through which a believer experiences her faith as one among many options, none of which can be seen as having a privileged position in society. Charles Taylor, *A Secular Age* (Cambridge: Harvard University Press, 2007), 539–93. Also see Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014), 69–70. Ulrich Preuß recently argues that law works as a source of pluralism, in that it facilitates the development of moral and religious pluralism. See Ulrich Preuß, ‘Law as a Source of Pluralism’, *Philosophy & Social Criticism* 41, no. 4–5 (2015): 357–65.
38. Moreover, according to Mackie, the reason why we think that there is objective value is partly because we adopt a backward causal connection. For instance, ‘it is that people approve of monogamy because they participate in a monogamous way of life rather than that they participate in monogamous way of life because they approve of monogamy’. The correct causal relation will show that different ways of life determine different moral codes, which undermines the objective status of morality. J. L. Mackie, *Ethics: Inventing Right and Wrong*, Kindle Edition (London: Penguin Books, 1990), Location 525.
Richard Garner, ‘On the Genuine Queerness of Moral Properties and Facts’, in *Arguing about Metaethics*, eds. Andrew Fisher and Simon Kirchin (London and New York: Routledge, 2006), 98. Mackie’s argument from queerness is sometimes misrepresented. For instance, David Brink’s criticism of Mackie focuses on problems of motivation and internalism, and he argues that moral realism can be maintained through what he calls a ‘functionalist theory of moral values’ on the basis of a kind of externalism. Motivation is important for Mackie, yet it is not what Mackie primarily means by the term ‘queerness’. See David Brink, ‘Moral Realism and Sceptical Arguments from Disagreement and Queerness’, in *Arguing about Metaethics*, ed. Andrew Fisher and Simon Kirchin (London and New York: Routledge, 2006), 84.

Mackie, *Ethics: Inventing Right and Wrong*, Location 564–5.

Rainer Forst, *The Right to Justification: Elements of a Constructivist Theory of Justice*, trans. Jeffery Flynn (New York: Columbia University Press, 2011), 1.

*Gründe*, the German word for reason, implies that reasons establish a supportive ground (Grund), which point Forst takes to mean that the ground created by reasons ‘must therefore be a shared, common basis for justified, well-founded thought and action’. Ibid., 13.

Thomas Scanlon, *What We Owe to Each Other*, 153.

Ibid., 162.

Ibid. It will become clear in the next section that people do not necessarily have to give the same reason for a moral principle to be reasonably justified.

Rainer Forst, *Context of Justice*, trans. John M.M. Farrell (Berkeley, CA: University of California Press, 2002), 244.

One might of course have amoral reasons not to be moved by a moral demand.

As one of the anonymous reviewers correctly pointed out, one need not be a die-hard Kantian to reject these descriptions. Forst, *The Right to Justification* (New York: Columbia University Press, 2011), 43.

Ibid., 34.

To demonstrate this point, Forst accepts the Kantian formulation of duty and further develops it by combining cognition with recognition. According to Forst, ‘the moral person does not first see a human being and then, on the basis of further consideration, come to the conclusion that the other is a moral person. Rather, cognition and recognition are here so interwoven that an “evaluative perception” takes pace’. This ‘evaluative perception’ is the knowledge and mutual recognition of a moral authority that Kant would label as respect. Ibid., 59–61.

Ibid., 44.

Ibid., 5.

See Forst, *Justification and Critique*.

Stephen White, ‘Does Critical Theory Need Strong Foundations?’ *Philosophy & Social Criticism* 41, no. 3 (2015): 208.

Ibid., 209–10.

Rainer Forst, ‘A Critical Theory of Politics: Grounds, Method and Aims. Reply to Simone Chambers, Stephen White and Lea Ypi’, *Philosophy & Social Criticism* 41, no. 3 (2015): 227.

Forst’s political philosophy based on the foundationalist reliance on the principle of justification is designed to be critical in that people who disagree with existing normative or political orders should be duly counted as a voice demanding justification. In this sense, White is correct to point out that Forst’s critical theory of politics departs from Habermas’ consensual focus to the phenomenon of dissensus. But this does not mean that the foundation of Forst’s theory is dissensus-based. To the contrary, Forst only makes room
for the right reason to be moral, around which people, in virtue of being a justificatory being, necessarily forms a consensus. See White, ‘Does Critical Theory Need Strong Foundations?’

60. Alessandro Ferrara, ‘Democracies in the Plural: A Typology of Democratic Cultures’, *Philosophy & Social Criticism* 41, no. 4–5 (2015): 393.

61. Thomas Scanlon, *What We Owe to Each Other*, 153.

62. Thomas Scanlon, ‘Contractualism and Utilitarianism’, in *The Difficulty of Tolerance* (Cambridge: Cambridge University Press, 2003), 138, Footnote 11.

63. A skeptic might wonder if we are ever going to agree on anything moral according to the justificatory view of morality. To answer this question will point our discussion to a different direction, but I do wish to point out that moral overlapping consensus is indeed possible following this justificatory approach. In order to pass moral judgment, we must have some kind of shared moral background, which warrants, at least in theory, an agreement on certain moral values. Charles Larmore’s political liberalism, based on his understanding of reasonable disagreements, also favors a [thin] core morality that reasonable people can accept despite their natural tendency to disagree about comprehensive visions of the nature of value, which not only grounds political principles but also have concrete moral content. More substantially, we find in Martha Nussbaum’s capabilities approach a tentative list of capabilities that belong to what she calls a ‘moral core’, which according to Nussbaum is shared by people in different cultures, genders, and countries with different economic statuses. The important thing to note is that such a moral overlapping consensus must not presuppose a singular and uniquely true foundation of morality. See Charles Larmore, ‘Pluralism and Reasonable Disagreement’, *Social Philosophy and Policy* 11, no. 1 (Winter 1994): 74, 78. John Kekes makes a similar point when he argues that pluralists need not be committed to denying that morality makes some claims equally binding on all moral agents, and that human nature suggests the existence of ‘the minimum content of morality’. See John Kekes, ‘Pluralism and Conflict in Morality’, *The Journal of Value Inquiry* 26 (1992): 38.

64. Rawls, *Political Liberalism*, 11, Footnote 11.

65. Ibid., 175. Nussbaum, who advocates a different version of political liberalism, similarly argues that political liberalism ‘is intended as the moral core of a specifically political conception’. Martha Nussbaum, *Women and Human Development: The Capabilities Approach* (New York: Cambridge University Press, 2001), 105.

66. Rawls distinguishes these three points of view in his discussions of the original position: the point of view ‘of the parties in the original position, that of the citizens in a well-ordered society, and that of you and me who are examining justice as fairness to serve as a basis for a conception that may yield a suitable understanding of freedom and equality’. Rawls, ‘Kantian Constructivism in Moral Theory’, 567.

67. Rawls, *Political Liberalism*, 36.

68. Rawls, ‘Justice as Fairness: Political not Metaphysical’, 225.

69. Rawls, ‘Kantian Constructivism in Moral Theory’, 570.

70. Ibid.

71. Ibid., 571.

72. For instance, see Rawls, ‘Kantian Constructivism in Moral Theory’, 521. For a related issue regarding the respect for persons’ free and equal status in a modern democratic society, see a recent exchange between Martha Nussbaum and Steven Wall. Martha Nussbaum, ‘Perfectionism Liberalism and Political Liberalism’, *Philosophy & Public Affairs* 39, no. 1 (Winter 2011): 3–45; and Steven Wall, ‘Perfectionism, Reasonableness, and Respect’, *Political Theory* 42, no. 4 (2014): 468–89.

73. Rawls, ‘Justice as Fairness: Political not Metaphysical’, 225.

74. Scanlon, *What We Owe to Each Other*, 348–9.
75. Ibid., 349.
76. Ibid.
77. Forst, The Right to Justification, 15.
78. Ibid., 17.
79. Rawls, Political Liberalism, 137.
80. Ibid., 137.
81. See for instance Joseph Chan, ‘Legitimacy, Unanimity, and Perfectionism’, Philosophy & Public Affairs 29, no. 1 (Winter 2000): 5–42; and Chapter 3 in Steven Wall, Liberalism, Perfectionism, and Restraint (Cambridge: Cambridge University Press, 1998), 44–62.