How can we know anything in questions of Morality?

A Critical Assessment of Rainer Forst’s Theory of Justification
Abstract

When discussing any question in which a human being has a moral claim or a moral choice to make we need to address the justification of those claims and actions. Hence one can ask the question whether we can discuss a justification of moral judgments without having any specific knowledge about any corresponding fact or if it is possible to justify a moral judgment without having that kind of knowledge. This thesis has critically assessed Rainer Forst’s justification theory in relation to moral epistemology, aiming at clarifying his position on the matter. The study shows that Forst’s position is one of a cognitivist nature with a form of rational constructivism. The thesis suggests an alternative approach to Forst’s justification theory. Forst should take on an empiricist explanation when it comes to justifying moral judgements and therefore an epistemology that is not rationalism. Therefore, I suggest a form of realism when it comes to the discussion of his ontology.

Key words: Moral epistemology, Moral judgements, Human rights, Constructivism, Discourse ethics, The Right to Justification.
Acknowledgements

I would like to thank my supervisor Carl-Henric Grenholm for giving me the confidence to write this thesis and the helpful thoughts he has provided for making this possible. I would also like to thank my partner Filip for helpful comments and my parents for support and comfort in the time I wrote this thesis.

-Emma.
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Chapter 1. Introduction

When discussing human rights, one can ask questions such as *What do we owe to each other?* One can argue that to answer this question we should accept the fact that anyone having a moral claim should be subject to a principle which no one can reasonably reject.\(^1\) Human rights is a complex area of assessment since they claim to be universal and hence valid for every human being. How can we answer questions of this kind, questions asking whether we have a responsibility towards other human beings? Rainer Forst is a German philosopher and political theorist and a representative for the latest generation of critical theory and the Frankfurt school. He is known to have done his doctorate under the supervision of the discourse ethicist Jürgen Habermas. Forst believes that human rights are a complex phenomenon, deriving from several fields. Hence, he presents them to have several different spheres. They have a *moral sphere*, whereas concerns for human beings are not to be in any way violated or disregarded. They also have a *legal sphere*, being part of a national constitution or listed in human rights declarations and treaties. There is also a *political sphere* consisting of in Forst’s words the “[…] expressing standards of basic political legitimacy […]”.\(^2\) Forst wants human rights to be understood as a basic right that no one with good reasons can deny another human being. This is understood as his theoretical idea of a right to justification.\(^3\)

This thesis will assess the complexity of human rights and their justificatory nature as constituting of a right to justification. Forst is one of the philosophers who discuss this question as well as many others have done before him. *The right to justification* is one of the answers to this question, providing us with the instrument for discussing it and hence is the central aspect for evaluation in this thesis. Forst provides us with an adequate answer to this and I do agree with him on many of the thoughts he has. However, I manage to find it problematic that when we ask ourselves what we owe to each other or any other question with the same approach, we do not always have an adequate justification for having those answers. Forst wants us to believe that if we pass the principles of *reciprocity* and *generality* this is not a problem. Hence, the principles are sufficient for justifying our opinions as long as others follow on the same path. I

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\(^2\)Forst. *Justification and Critique*, 38.
will argue that we need to go deeper and hence understand the epistemology of such justifications.

One can ask the question whether we can discuss a justification of moral judgements without having any specific knowledge about that facts that corresponds to them, or if it is possible to justify a moral judgement without having that kind of knowledge. Hence, can one presuppose a justification of a moral judgement without having any knowledge of corresponding facts? The central question that needs to be addressed is hence the one of knowledge. How can we know anything in questions of morality and is it possible to justify a claim without having that knowledge? When discussing the origin of knowledge, we will find ourselves in the arena of metaethics. In this thesis, I will address the question of epistemology and with the ideas that can be found, I will address Forst’s justification theory and his idea of how human rights and his principle of justification can be understood.

1.1 Research problem

So forth, we got a minor introduction to human rights understood as a right to justification and hence as a basic right, which embodies every human being. Consequentially, with every area of assessment there is a certain set of issues relatable to it. The question of how we discuss the idea of justifying moral claims and actions is for this thesis central and hence what will be portrayed as a form of research problem. When discussing human rights as the way Forst proclaims to do it, one will find oneself in a bit of a blur regarding how to interpret the origin of justifications. One can ask oneself it is possible to justify a moral claim or action without having any specific knowledge about that action or claim, or if one must have that knowledge to acquire any form of justification. Forst believes that human beings by the core of their existence feels a certain responsibility to justify and give reasons for their beliefs and actions. Hence, when discussing the origin of human nature, the discourse theory that Forst proposes is grounded on a moral principle of justification and a justification resting on a form of moral individual right. This discussion is followed by a further discussion of practical reason and the fact that human beings, according to Forst, possess this gift of reason and therefore can be named to have a reason-giving nature. According to Forst there is a distinction between an

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ethical justification and a moral justification and therefore a difference in how practical reason is used within each of the justification spheres. Here in lies the problem where the difference between ethical and moral becomes a bit difficult to cope with when discussing it in relation to a moral epistemology. When approaching the ethical sphere, it is important to understand that it is grounded on an idea about what the good things in life are, determined together in an ethical community. Opposite to this, the moral sphere is grounded on the idea of what is right and what norms that can be supported by morally accepted reasons and how it affects other moral persons. Even though Forst concludes that there is a bit of a blur regarding the difference between these two spheres and that they tend to overlap, he does not elaborate on this further.⁶ I find this to be problematic since when discussing how to justify one’s claims (both ethically and morally) there is a need to address the origin of these justification. The assessment of this thesis and hence what initially is constituted to be the research problem is the blurred presentation, or lack of that presentation, in Forst justification theory regarding moral knowledge.

1.2 Research question, aim and purpose

When discussing the complexity of moral claims and the origin of morality there are certain aspects that need to be assessed. The purpose of this thesis is to contribute with an assessment of Forst’s theory of justification through a framework of moral epistemology. Consequentially, I will examine Forst’s theory of justification and what kind of constructivism he wants to establish.⁷ This will be done with the help of moral epistemology, which examines the question of how and if one can have knowledge in questions of morality. Specifically, I will evaluate how Forst positions himself with the help of foundationalism and coherentism. The questions that are to be assessed are firstly: How can we understand Rainer Forst’s theory of justification through a moral epistemology? Giving an answer to this question is a bit tricky since we need to assess firstly (i) What Forst’s relation to a moral epistemology is? and secondly (ii) What moral epistemology is? This is the first assessment which requires a review of Forst’s theory of justification and a review of the moral epistemology and the relation between the two. For the second assessment I will ask the question How can we critically analyze and evaluate Rainer

⁷To evaluate Forst’s moral epistemology an examination of different forms of constructivism is in place. The reason for not including this in the research question is because it is not an approach present in moral epistemology, but it is necessary for understanding Forst’s moral epistemology.
Forst’s theory of justification through the framework of Foundationalism and Coherentism? This question will hence need an examination of what foundationalism and coherentism is. To answer the question, we also need a thorough examination as well as a critical assessment of Forst’s theoretical stance and the assumptions he makes regarding the justification for one’s beliefs and claims. My intention for this thesis is to give a clarification of Forst’s theory of justification in terms of what his attitude is towards a moral epistemology and the justificatory nature of one’s beliefs. Likewise, my intent is to critically assess and give a further suggestion for how a discourse theory of this kind can be phrased.

1.3 Material, source evaluation and delimitations

When conducting any form of analysis or study we are in need of a material for doing so. Therefore, any written composition is in need of a certain section for evaluating the material and discussing them critically. The works of Forst is what will be the primary material for this thesis. Specifically, since the thesis purpose and aim is to evaluate Forst’s theory of justification, the primary material is reflected by this and delimited by this as well. Consequentially I will ground my analysis on the works in his book The Right to Justification from 2011 as well as Justification and Critique: Towards a Critical Theory of Politics from 2013. Both of these two written compositions present the essential parts for understanding Forst justification theory and this is why they are constituted to be the primary material. Accordingly, these two books represent at the most what Forst means when he discusses his justification theory and certain ideas linked to it. I find it to be of no need to be sceptic regarding these materials since they are peer-reviewed and hence from a recognized author in this field. Previous publications from Forst includes among several other Contexts of justice from 2002 as well as Toleration in Conflict from 2003. Another publication is Justice, Democracy and the Right to Justification from 2014. One of the latest published works by Forst is Normativity and Power: Analyzing Social Orders of Justification from 2017 and discusses among other things the idea of justice, toleration as well as democracy. It addresses normative questions in both political philosophy as well as social theory. Since there is a certain amount of time and space when doing a study if this kind there is always a need for delimiting the material and the area of assessment. Hence, there is a focus on the justification theory Forst presents and the nature of those justifications that will be assessed. Initially, the political sphere and any discussion regarding deliberative democracy will because of this be omitted.
Michael Smith and his published work *The Moral Problem* from 1994 presents an idea regarding the difference between approaching problems of a metaethical nature and approaching problems of a normative ethical nature. His work will serve as one of the secondary literature for this thesis since it presents the origin of the disputes and problems within and between metaethics and normative ethics. Another important and essential idea is presented by Thomas M. Scanlon in his published work *What We Owe To Each Other* from 1998. When Forst discusses his idea of a right to justification based on the criteria of reciprocity and generality he subscribes to Scanlon’s idea of “not reasonably rejected”. As secondary material Scanlon’s work is indeed one of importance since it assists in understanding Forst’s justification theory. “What is Constructivism in Ethics and Metaethics?” written by Sharon Street is one of importance as well and discusses the idea of how a constructivist theory can be understood within the field of normative as well as metaethics. This is of great importance to understand how constructivism can be understood in a contemporary debate and the nature of such an approach. The works *Fundamentals of Ethics* from 2012 and *The Ethical Life: Fundamental Readings in Ethics and Moral Problems* from 2015 written by Russ Shafer-Landau will also be functioning as secondary material. These two books are giving an adequate overview when one wants to evaluate different approaches in both normative as well as metaethics. They are therefore essential for the discussion and critical assessment in this thesis.

One of the major delimitations for this thesis is the choice to not give any further assessment regarding the ontology as well as the semantic in metaethics. Another, important delimitation for this thesis comes down to the exclusion of a discussion of deliberative democracy and toleration, even though it might be mentioned to give as much transparency to the analysis of Forst’s theory of justification.

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1.4. Methodological approach

When discussing or in any other decent way evaluate other theorist’s ideas we need a method for doing so. With a method, we can set out the directions for analyze and critically assess those theories. How then, do we decide upon a method and most relevantly how do we decide upon the right method? I will propose a method that will retrieve its inspiration from different attitudes in to which one can approach the material. The method for this thesis can be divided into three sections; firstly, it consists of a descriptive section which presents Forst justification theory and its essential parts in a “lighter” sense when interpreting his theory and parts of his theory, secondly, there is a section with an immersed interpretation of Forst’s theory and its relation to the theoretical stance of this thesis, third and final, there is a section for critically assess Forst’s justification theory. When using a descriptive analysis as a first step, the aim is to present the reader with a brief go trough of Forst’s rather complex theory. A descriptive analysis will make the assumptions in a text a bit more clear and easy to navigate when one continues to a more critical analysis. It will make the reader a bit more comfortable when navigating through the researchers own interpretation of a certain set of ideas. Hence, there is an element of interest in addressing a theoretical idea of this kind with a critical analysis. We want to examine whether the arguments are accurate and reasonable and if we accept them as they are, or not.\(^\text{12}\)

When approaching a more qualitative analysis of the text there are various ways of doing so. One consideration that is of importance is whether a systematic analysis is accurate or if a critical review of the material is more suitable. There are several pros and cons for each of these practices. Using a systematic review of the material will provide the reader as well as the researcher with a transparent way of systematically categories the ideas within a specific text. When approaching a certain material or set of ideas we want to find out how and what arguments is laid out for a certain point of view. We want to find out how a certain set of ideas are to be defended by an author and if they are corresponding to certain standards of evaluation. Henceforth, the usage of a critically review is also needed for evaluating a text.\(^\text{13}\)


The most adequate understanding of evaluating any idea or text qualitatively is to thoroughly and repeatedly read the material and hence answer the research question. In doing so we need to address the criteria of validity. Validity states that we are to measure what we are supposed to be measuring. Considering for example the question What is Thomas Hobbes view of the state? The legitimate way of answering this question is to evaluate what Hobbes the facto thinks about the state, ergo analyze the ideas put forth in his famous composition Leviathan. This is in many ways intertwined with the specific working methods of having an open or narrow attitude towards the material in question. Let’s consider an open attitude which gives us a method for assessment where the material rather than a set analytically formed questions navigates what we will find. The problem with using an open method is of course that the amount of interesting ideas in the material can be overwhelming and the final assessment will be very much dependent of what may occur in the material. A way to avoid this situation is asking what other potential questions could have been asked towards the text. For example, asking if the author would have argued for the opposite positioning. Another way of approaching this is to have some sort of thought regarding the answers which will be found in the material. I find it more convincing to assess the arguments provided by Forst with a rather open attitude than a set of categories. Since, there is already a very narrow approach to what and why in Forst’s argumentation that is up for assessment I find it more convincing to use the open attitude for a further assessment.

Another way of approaching the material is to assess the specific ideas presented. Generally, this form of analysis is used for approaching ideas of a specific period of time or a critical assessment of certain debates. However, for this thesis I find it more convincing to use this form of approach and not approach the texts written by Forst with a focus on how it is understood in a certain context. Consequently, one must understand that when discussing a methodological stance, there are not just one way of approaching the material. When discussing methodology, we need to address the one thing that will launch the analysis as well as the critical assessment of any idea or text i.e. converting the theoretical stance into a concrete set of analytical tools. Hence, this is known to be the indicator of the phenomenon that will be assessed and making this phenomenon measurable.

14Ibid.
16Ibid.
17Beckman. Grundbok i Idéanalys, 24.
1.5 Previous research

Discussing previous research is a complicated since there is a need for finding the most relevant research and hence find where previous researchers has a gap and why it is in need of a further assessment. I try to do this at the most with an amount of transparency. The most accurate way of approaching previous research in relation to the theory presented by Forst is hence to emphasize what’s missing in the equation. There is an extensive amount of work regarding Forst’s discussion of deliberative democracy and his thoughts on toleration. Wendy Brown is a political theorist who is enrolled in a discussion regarding the power of toleration. In *The Power of Toleration: A Debate*, Wendy Brown and Forst discusses the influence toleration can have when solving conflicts, or not. Brown and Forst discusses the highlights of toleration and how it is and can be used in contemporary political debate. Forst and Brown takes on two different approaches to toleration where Forst embraces a more historical approach to toleration as where Brown is interested in a genealogical critique of the discourse of toleration in a contemporary debate.\(^{18}\) Hence, when discussing Forst justification theory we come across a substantial amount of discussions addressing his conception of toleration. The debate between Brown and Forst is just one of them.

Amy Allen is another commentator on Forst’s theory of justification. *Justice, Democracy and the Right to Justification* from 2014 is a composition where several authors are commenting on Forst’s theory of justification and Allen is one of them. Allen’s focus is in the key conceptual elements of Forst’s theory and how successful the theory is in making questions of power central to the justice account.\(^ {19}\) Allen’s focus is according to herself the absence of the problem of ideology in a constructivist discussion of metaethics.\(^ {20}\) According to Allen, we should worry about whether the foundation of our own normative construction is rather a construction of our point of view as moral agents, capable of practical reasoning. This is by itself influenced by relations of both subordination as well as domination. Allen’s ideas and comments on Forst’s theory of justification is of considerable importance since it gives a critical reflection regarding the problem of how to understand practical reason. As Allen understands it, when proposing a


critical theory, it is of great importance to distinguish between the features of the social, cultural and political world human beings live in, aside from distinguishing between legitimate and illegitimate relations of power.²¹ Unlike, Allen, I will discuss the nature Forst’s theory of justification rather than the nature of power relations.

Eva Erman is another of the commentators of Forst’s theory of justification and is like Allen represented in the work Justice, Democracy and the Right to Justification from 2014. According to Erman, if we want to establish or hold on to a normative ideal of democracy when approaching questions of justified inclusion, it needs to be harmonious with the basic conditions of democracy. Hence, according to Erman answering the question of “[…] what conditions an arrangement [has to] fulfil in order to be minimally democratic?” ²² According to Erman, Forst’s idea of a political equality as being necessary for a democracy to function cannot alone give answer on how to achieve an arrangement that can meet the minimal standards of democracy. An equal right to participation cannot alone be a criterion for democratic legitimacy since it does not say anything about any form of collective decision-making. Erman means that Forst’s theory doesn’t live up to the requirements of providing an answer to the basic condition of democracy and is at the most able to propose a theory of democratization. A theory in which a democratic process is instrumentally justified to an extent where it can provide form of ideal of justice that is characterized by the absence of domination.²³ Opposite to Erman’s analysis of Forst I will not give any further discussion regarding the origin of a political context or how democratic principles can best be established. Erman’s discussion is in no doubt an important and very needed discussion to carry on. However, with this in mind I want to discuss Forst’s theory of justification in another way. Instead of reflecting further on the political context I will delimit myself to discuss his ideas and position regarding the origin of epistemology when one justifies an action or a claim.

Another commentator on Forst’s ideas is performed by Andrea Sangiovanni and like both Allen and Erman is this presented in the published work Justice, Democracy and the Right to Justification from 2014. Sangiovanni discusses among other things the center of Forst’s a right to justification as resting upon an idea of morality that understand human beings as justifying beings. Similar to the path I will follow, Sangiovanni presents a form of critique to Forst’s

²¹Allen. Justice Democracy and the Right to Justification, 81, 86.
account a moral constructivism. She understands Forst’s account of a constructivism as a Kantian form of rationalist constructivism. According to Sangiovanni there is not enough to ground morality on the account of a rationalistic constructivism. She argues for a further grounding where the social emotions of human beings are central and most importantly the one of empathy. Sangiovanni takes on a Humean account and a form of Scottish Constructivism and criticizes the Kantian tradition. She questions “[…] whether morality is, in fact, a constitutive standard of those activities taken on their own.” According to Sangiovanni, morality is applied to us due to the fact that we are social beings and ascribe to an interaction that is shaped by our emotions. Following a Scottish constructivism, Sangiovanni argues that the mechanism that moves us towards a “common point of view” is empathy. This is according to Sangiovanni what “[…] connects, transmits and harmonizes our emotional responses with those of others.” For this thesis, this discussion is relevant and will be addressed further on in the discussion.

When discussing the ideas presented by Forst we will certainly come across the discussion of discourse ethics that the political philosopher Jürgen Habermas presents. Habermas is a philosopher of the Frankfurt school and one of the most renowned ones in the area of critical theory and discourse ethics. Habermas discourse ethics serves to evaluate the foundation for which moral judgements can be justified. According to Habermas for every claim of ethical skepticism there is a moral judgement that can claim to be accurate and we can provide reasons that are rational for justifying them. We should view the origin of moral problems from an inside-perspective rather than a third-person one and as participants in a practical discourse. Every person participating in this discourse are doing so on equal terms and the only thing in control should be the strength of each argument presented. Habermas finds that questions about what is morally right is the most fundamental question to answer for a moral theory. Discussing a discourse theory of this kind Habermas wants to reconstruct a moral

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25Ibid.
26Ibid.
27Sangiovanni. “Scottish Constructivism and The Right to Justification”, 56.
point of view whereas separate normative claims have a possibility of being fairly judged.\textsuperscript{29} Forst is inspired by Habermas tradition of a discourse ethic and critical theory. In fact, his work \textit{Justification and Critique} is dedicated to Habermas as a reply to his discourse ethics. Habermas is an outspoken cognitivist and dedicates a certain amount of space to this assumption and how it relates to his idea of a discourses ethics. However, when Forst presents his own discourse theory derived from the one Habermas proposes a different approach is presented regarding the moral epistemology since Forst is not an outspoken cognitivist or non-cognitivist. This is why Forst’s theory is in need of a further assessment regarding how he views the origin of those justifications and those claims human beings make.

1.6 Disposition

The first chapter, Chapter 1. serves the function of introducing the point of departure for the thesis. Hence, (1.1) will aim at introducing the problem up for assessment, (1.2) serves the function of presenting, the research question and aim, (1.3) presents the material and some delimitations, (1.4) serves to introduce the working methodology for the thesis and (1.5) serves the function of presenting the previous research for the area of assessment. The second chapter, Chapter 2. presents the theoretical stance for the thesis as where the first (2.1) section introduces the sphere of metaethics. Section (2.2) introduces the theoretical approach of cognitivism and non-cognitivism and section (2.3) introduces the two sub categories of cognitivism i.e. coherentism and foundationalism, section (2.4) introduces different approaches of constructivism. Following the theoretical chapter is Chapter 3. introducing Forst’s justification theory and hence presenting it in a more descriptive way with its relevant terminology and ideas. Following this comes Chapter 4. presenting a deeper analysis of Forst’s ideas as well as a critical assessment. The final chapter, Chapter 5, will hence present a critical assessment of Forst’s theory of justification and a sum up of the results and what conclusions can be drawn by analysing this theory.

\textsuperscript{29}Ibid.
Chapter 2. Theoretical approach

2.1 Metaethics

In the field of ethics there are various ways to think of it. We have the descriptive ethics trying to describe and elucidate the different stances of moral perceptions. The normative ethics on the other hand wants to phrase suggestions for moral theories. Utilitarianism, virtue ethics and Kantian ethics are all examples of these suggestions. Applied ethics is a form of practical usage of the moral theories within the normative ethics. We apply them to practical situations and problems. Lastly, we can turn to another part of the ethical field, metaethics. Metaethics is the study about ethics and how we can achieve and justify knowledge in questions of morality.\(^{30}\) By this follows the thought if we truly can have such knowledge?\(^{31}\)

Why then, is it even necessary to use metaethics? Consider if a person (A) passes by a homeless man on the street and is about to decide whether to give money to this person or not. The person passing by the homeless man knows that giving money to this person is the morally right thing to do. However, the person isn’t convinced whether there is a reason for this.\(^{32}\) Consider a normative answer to this dilemma. A utilitarian would answer this by referring to a principle of maximizing the overall utility of mankind i.e. the person should donate the money to the homeless man if it maximizes the utility overall (however not the utility for the individual person). The normative answer to moral disagreements will give us guidance on how to act in such a dilemma. But what if we don’t have a distinct notion about what these moral directions are? This is why we need a metaethical analytical framework. We need it for discussing how or if, we even can have knowledge about moral judgements and how they are to be justified and conclusively if there could truly exist anything like moral facts.

When discussing the sphere of metaethics there is a consideration we must assess. There are three objectives when one enters the field. There is the problem of epistemology, the problem of value-ontology and the problem of semantics.\(^{33}\) For this thesis the objective of epistemology will be the sphere of which the theoretical approach is founded upon. Moral realism, residing from the field of value-ontology is worth mentioning here. Moral realism


\(^{32}\)Smith. *The Moral Problem*, 7. See Smith for a similar example.

means that moral judgements are propositions about prevailed states of affairs that could be either true or false. Hence, moral judgements are not to be understood as attitudes, but rather as beliefs.\textsuperscript{34} \textsuperscript{35} Another important objective when discussing metaethics is constructivism. Constructivism can be categorised by three different approaches: Social Constructivism, Kantian Constructivism and Humean constructivism. Constructivism is generally known as the idea that norms and values are socially constructed and formed by human beings and their relation to one another.\textsuperscript{36} I will come back to a more detailed description of the different approaches in constructivism theory in section (2.4). For this thesis, the epistemological problem will be the one central for assessment. When discussing whether there are possible ways to achieve and justify knowledge in questions of morality we need to address a further distinction. This is known as the Cognitivism and Non-cognitivism and will be presented in the next section.

2.2 Non-cognitivism and Cognitivism

When discussing the epistemology in metaethics, we need to address the two different approaches presented, Cognitivism and Non-cognitivism. Cognitivism is a set of ideas claiming that moral judgements are either true or false. They also claim that there are possible ways to prove that they are either true or false. According to a cognitivist the question of whether moral judgements can be justified or not circles around the question if they are to be verified or not.\textsuperscript{37} The ideas understood as cognitivism means that there are ways to acquire knowledge in questions of morality.\textsuperscript{38} Non-cognitivism is another set of ideas, that in contrast to the ideas of cognitivism assumes that propositions such as what is good and right in life does not in fact provide us with knowledge about actual facts. Hence moral judgments can’t be verified nor can they be falsified.\textsuperscript{39}

\begin{footnotesize}
\textsuperscript{34}Grenholm. \textit{Etisk teori}, 153.
\textsuperscript{35}When mentioning moral judgements, I will refer to the idea of “beliefs” used by both foundationalist and coherentist i.e. that beliefs can be understood as judgment.
\textsuperscript{36}Grenholm. \textit{Etisk teori}, 248.
\textsuperscript{37}Grenholm. \textit{Etisk teori}, 23.
\textsuperscript{38}Bergström. \textit{Värdeteori}, 66. I will use the term Cognitivism when Bergström names it value-cognitivism.
\textsuperscript{39}Grenholm. \textit{Etisk teori}, 23.
\end{footnotesize}
Cognitivism is then a set of ideas proclaiming that there are judgments that can be either true or false. Foundationalism is one of the branches within cognitivism arguing that there are certain judgements that are fundamental and intrinsically desirable. A foundationalist would argue that all non-fundamental judgements are derived from fundamental ones to be justified and well-established. Rationalism and empiricism are both sub-categories of foundationalism. Rationalism concludes that fundamental moral judgements can be justified by using practical reason. Hence, with the usage of practical reason we can decide upon if a moral judgment is true or false. Empiricism finds that judgements of morality can be acquired through our own experiences and by our intuition. Hence by our intuition we can decide whether moral judgements can be justified or not. Another way of approaching this is to use a coherentist view of acquiring knowledge in questions of morality. Coherentism or non-foundationalism proclaims that we can’t make a difference between fundamental and non-fundamental judgements. Moral judgements are justified if they form a coherent system of beliefs. According to Grenholm coherentism is a coherent system of beliefs that are logically structured. Bergström on the other hand finds that coherentism is a set of beliefs structured as a network or a system and rationally accepted if they are part of this system. Hence, there is no reason for dismissing a judgement if it’s coherent with the other belief of yours.

When discussing non-cognitivism there is worth mentioning that even though a moral judgment can’t be true or false, we can still conclude to have good reasons for believing in that judgement. Bergström marks upon the fact that both non-cognitivist and cognitivist theories can have a scale of generality. Non-cognitivism can be divided into several different approaches. For example, one can argue that there is impossible to know anything regarding the nature of moral facts. On the other hand, there are some that would understand non-cognitivism in light of a truth-claim, hence we can know at least something in questions of morality. However, we can’t possibility know everything. The most important notion when approaching non-cognitivism is to bear in mind that there is still possible to believe in a claim.

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40 Bergström. Värdeleori, 94–95, 97–98; Greenholm. Etisk teori, 22. It is important to mention that empiricism and rationalism can be used in other contexts that does not require or imply foundationalism.
41 Ibid
43 Grenholm. Etisk teori, 23.
that is justified even if there are not implications of knowing (in a cognitivist spirit) something in questions of morality.

2.3 Foundationalism

According to the view of foundationalism we do have fundamental beliefs that can be justified. If a person (p) have a fundamental belief this is basic due to the fact that it rests upon this person remaining beliefs. Non-fundamental beliefs need to be derived from well-established beliefs. What makes these beliefs basic or fundamental are that they do not obtain their justification from any other belief (that doesn’t receive its justification from other fundamental beliefs). Accordingly, foundationalism defines a fundamental belief as: “S’s justified belief that (P) is basic if and only if S’s belief that (P) is justified without owing its justification to any of S’s other beliefs.” This is known as Doxastic Basicality (DB). One can say that there are two different approaches following on the path of a foundationalist view. There is privilege foundationalism and there is experiential foundationalism. According to privilege foundationalism basic beliefs are represented or resting upon the person’s own mental state. Hence, the experience of (A) something appearing to you in a certain way and (B) the perpetual belief i.e. (the very experience of how something appears to you) of that appearance is both distinct mental states. The idea of something appearing to you is itself not a belief, it is rather your perpetual belief of that appearance that is making your belief basic. Experiential foundationalism means that beliefs about external objects i.e. external from the person’s own mental state is possible. In this case (A) can be categorised as basic since it can be said to be an experience external from the mental state.48

45Bergström. Värdeordning, 95
48Steup, Matthias. “Epistemology”, The Stanford Encyclopedia of Philosophy (Fall 2017 Edition), Edward N. Zalta (ed.), URL = https://plato.stanford.edu/archives/fall2017/entries/epistemology/. (2018-03-04). Section 3.1. Thus, an alternative approach to this is to accept the conception of Epistemic Basicality (EP) which can be explained as: “S’s justified belief that p is basic if and only if S’s justification for believing that p does not depend on any justification S possesses for believing a further proposition, q.” A way of approaching this conception of foundationalism is to ask us the question: Why are perpetual experiences a source of justification? This is viewed in many ways as a position of compromise since it actually derives from a compromise between foundationalism and coherentism. The main area of interest is thus that a positioning of this kind actually elucidates the difference between
This initially comes down to two ways of thinking when embracing a theory like foundationalism. They can be named as rationalism and empiricism. If we embrace the thoughts of rationalism, we would argue that there are certain set of beliefs that can be categorised as basic. This is similar as the above mentioned perpetual belief. Rationalism then states that these basics beliefs only can come across if we use our reason. They are inherent in the sense that they are independent of our experience and it is an ability that is subscribe to every rational being. Immanuel Kant argued for the approach of rationalism and meant that every rational being could realize that they should act in accordance with maxims that could be prevailed to a universal law.\textsuperscript{49} Empiricism on the other hand concludes that it is not the usage of our reason that will lead us to acquiring knowledge. Instead, we should rely on our experience i.e. our five senses or by our intuition when talking about the origin of knowledge. Hence, the idea is that we should “see” that a certain set of judgments are worth having for the sake of their own or that an action or claim is morally accurate.\textsuperscript{50}

2.4 Coherentism

While foundationalism means that beliefs are like a building, structured with a foundation and, on top of it another “superstructure”, coherentism finds this argument very misguided. Instead they mean that a belief can be categorised as basic if and only if it is structured more like a web or network of different beliefs. There are two ways in which coherentism takes shape. The idea of denying (DB) or the denial of Epistemic Basicality (EB).\textsuperscript{51} Doxastic Coherentism (DC) is defined as “Every justified belief receives its justification from other beliefs in its epistemic neighbourhood.”\textsuperscript{52} Hence, it is neither the idea of rationally ground nor empirically ground one’s belief when we talk about coherentism. Rather it is the idea of a “neighbourhood” or a network that makes up a belief as basic.

doxastic basicality and epistemic basicality. Consider the example of the homeless man, if we accept in accordance with the compromised view, that the right thing to do is give money to the homeless man this assumption can be categorised as basic according to doxastic basicality. Accordingly, this assumption can likewise be categorised as non-basic if we follow the view of epistemic basicality.

\textsuperscript{49}Bergström. Värdeori, 96–97.
\textsuperscript{50}Bergström. Värdeori, 97.
\textsuperscript{52}Ibid
**Explanatory Coherence (EC)** means that what appearing as the right thing to do supposes the way it appears to you. Hence, your perpetual belief, the belief that the right thing to do is to give money to a homeless man, is best explained by the conjecture that it is true and giving money to the homeless man is the right thing to do.\(^{53}\) Consequently, this will be cashed out as followed:

i. I am having an experience (A) i.e. that the right thing to do is to give money to a homeless man.

ii. Me having the belief of (A) is thus best explained by the conjecture that it is true that giving money to the homeless man is the right thing to do.\(^{54}\)

A second approach of coherentism is called **Reliability Coherentism (RC)**, stating that what is in fact a justified belief is the linkage between a belief (P) and the truth of (P). Considering that a person believes that the reasons for believing in (P) is in many ways trustworthy. Hence, there are many facts pointing towards that believing in this is true. This form of knowledge would provide the person with a linkage between the belief of hers and the truth of that form of belief. This will be cashed out as following:

i. I am having an experience of (A) i.e. what’s appearing to me as the right thing to do is to give money to the homeless man.

ii. The experience alike (A) is trustworthy and therefore reliable.\(^{55}\)

If you possess both (i) and (ii) you have good reasons for believing that it is true that the right thing to do is give money to the homeless man. A downfall when approaching both the explanatory coherentism as well as reliability coherentism are the fact that it is hard to believe that people truly in everyday life would form that sort of belief.\(^{56}\)

\(^{53}\)Ibid

\(^{54}\)Ibid


\(^{56}\)There is an interesting discussing regarding the origin of dependency coherentism as it accepts the doxastic basicity, does not allow epistemic basicity, is inconsistent with doxastic coherentism and can be qualified as a form of coherentism. See Steup, “Epistemology”, Section 3.2. However, this is a discussion for another time, even though it is a very interesting one.
2.5 Different forms of Constructivism

When approaching Forst’s ideas it is important to understand that his aim is to construct a theory that is of a discursive nature. It is a form of constructivism and therefore we need to address different views of constructivism. Constructivism can be divided into Social Constructivism, Kantian Constructivism and Humean Constructivism. Within social constructivism John R. Searle is a prominent speaker for the construction of social reality. Searle argues for a distinction between “brute facts”, the conception that facts can exist independently of the linguistic or any other form of human influence, and “institutional facts”, the conception that facts need human interaction to exist. Hence, Searle argues for a reality existing as a social construction where the linguistic function is the foundation for such a reality.57 Along with this is social constructivism generally understood as an advocate of a reality where norms and values are social constructions established by human interaction.58

The Kantian constructivism presupposes that values and norms are constructed by human reason within the frame of a rational process.59 A prominent speaker for that form of constructivism is John Rawls. According to Rawls principles of a just distribution is constructed by the participating parties whereas rational beings make a choice under a “vail of ignorance.” In his A Theory of Justice Rawls describes this vail of ignorance as a situation whereas the different parties do not possess any knowledge of their position in society regarding class, social statues etc. It is the process of rationally making choices that we can have knowledge about.60 Another advocate of a Kantian constructivism is Christine Korsgaard. Korsgaard means that as rational human beings we construct principles for moral norms that is practically necessary. By following these principles, we can be categorised as moral agents.61 Greenholm presents another form of constructivism that is of a non-cognitivist nature. He presupposes a theoretical approach that is similar to the one Korsgaard presents. That moral judgements are intrinsically action-motivated and that they presuppose a practical function. According to Greenholm they

58 Grenholm. Etisk teori, 257.
59 Ibid.
are first and foremost expressions for exhortations and commands to act in a certain way. Moral judgment can give us an insight into the how and what in living a life. However, this does not provide us with any knowledge about such judgements. Sharon Street is another philosopher commenting on the theoretical approach of constructivism. She notes that constructivist views can’t be understood as merely normative. They also need to be understood as a metaethical. Street finds that the so called “procedural characterization” of constructivism is inadequate. Instead a “practical standpoint characterization” is proposed as an alternative. Street’s constructivism is one that promotes the Humean approach in constructivism theory, and follows in some way on the Humean critique of rationalism. The essential to understand when discussing the Humean critique of rationalism and Street’s Humean constructivism is that it opposes the fact that morality can’t be derived from reason and therefore is not the maker of moral norms and values.

Some concluding remarks regarding the theoretical stance of this thesis, I find it to be of great importance to conduct this form of complex and abstract assessment with a humble approach to the material in question. Therefore, I will try to proceed from a point of view where the reader of this thesis will not find him or herself with just a set of abstract reasoning’s. This is indeed more said than done, however I will do my best to have a transparent and open assessment when proceeding from here. With this in mind we can go forward and turn to an introduction of Forst’s justification theory.

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Chapter 3. Rainer Forst’s “The Right to Justification”

For this section I will present Forst’s idea of justification and ground this on the works of The Right to Justification from 2011 and Justification and Critique: Towards a Critical Theory of Politics, from 2013. The first section (3.1) of this chapter will present Forst’s idea of human rights and its intersubjective practice as well as his criteria of reciprocity and generality among other things. The second section (3.2) of this chapter will present Forst’s idea of the distinction between ethics and morality and his understanding of practical reason.

3.1 Human rights and Intersubjective practices

According to Forst, humans are justificatory beings. They possess the gift of justification. With this in mind Forst proceeds from an idea of human rights that is both culturally sensitive as well as culturally neutral. This is why human rights should aim at being universally valid and at the same time interculturally nonrejectable. Forst wants to construct an idea of human rights that takes into account certain objections that has been laid out against them. First and foremost, objections that human rights are used by western capitalist states to gain both political and cultural dominance. This is why human rights have to be understood in the light of one basic right i.e. the right to justification.

Human beings are justificatory by their nature and Forst means that they feel a “[...] responsibility for their beliefs and actions by giving reasons to others”. Rather than just assume that one’s belief or action is correct and morally right, we need to give reasons for that kind of practice and feel a kind of responsibility towards other human beings. According to Forst, social and political justice needs to be understood in the light of one single right i.e. a right to justification. This idea of a single right as a right to justification is resting upon an idea of Kant’s categorical imperative. Human beings have to respect each other as “ends in

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66 Forst. The Right to Justification, 203-205.
themselves” and not just means for their own practice. This means, when following the Kantian agenda that it is a respect among autonomous and rational human beings.\(^{68}\)

When Forst presents his justification theory, he emphasises the fact that it is not one of a “neutral” or of an objective nature. Rather it is a theory resting on a constructivism he presents as a *moral principle of justification*. Instead of being something neutral and objective it rests on a justification of a moral individual right. Forst means that with a moral principle of justification we can construct a substantive idea of what human rights are. Human rights can then be understood as, to use Forst’s phrasing of it: […] rights that no one can with good reasons withhold from other persons.”\(^{69}\)

When it comes to the difference between moral, political and legal sphere Forst means that it is still a dependency factor regarding the rights constructed in the moral sphere to the ones that are practiced in a legal-political sphere. The idea of human rights in the moral sphere is still dependent on a transformation to the legal-political one.\(^{70}\)

With a right to justification Forst presents a platform for statements about basic right to be developed. He presents along with this two criteria which is vastly emphasized in his justification theory. With the criteria of *reciprocity* and *generality* statements about basic rights can be somewhat transformed into basic rights in a legal-political sphere.\(^{71}\) With the idea of a moral principle of justification Forst presents his perception of a moral constructivism. Hence, the construction of moral norms with the criteria of reciprocity and generality as a foundation. When Forst discusses the conception of moral constructivism he derives this from what it means to be a moral person. This is why a basic right to justification is meant to be both recursive as well as discursive and explained by what it means to justify general norms and individual actions in a moral context.\(^{72}\) The right to justification along with the criteria of reciprocity and generality is the basis for his moral constructivism.\(^{73}\) An important observation regarding the conception of moral constructivism is that Forst wants us to understand the difference between what he mentions as political constructivism and moral constructivism. He understands this rather differently than the one presented by Rawls. Moral constructivism is rather than a

\(^{68}\)Forst. *The Right to Justification*, 5.

\(^{69}\)Ibid.

\(^{70}\)Ibid.

\(^{71}\)Ibid.


theoretical alternative, part of a political constructivism. Hence, the moral constructivism Forst proposes leads to a different conception of human rights than the one Rawls proposes.  

There is a difference between the ideas Forst presents regarding how to justify one’s claims and actions and the one’s that is adhering to a theory of consensus. He means that his approach is not just a consensus based theory like the one Rawls proposes in the work *A Theory of Justice* from 1971. Instead the criteria of reciprocity and generality are functioning as distinguishers for which reasons and claims that can reasonably be rejected and which can nor. Reciprocity is understood as:

[...] no one may refuse the particular demands of others that one raises for oneself (reciprocity of content), and that no one may simply assume that others have the same values and interests as oneself or make recourse to “higher truths” that are not shared (reciprocity of reason).

The second one, generality is understood as:

[...] means that reasons for generally valid basic norms must be sharable by all those affected. The critical strength of these requirements is a substantive implication of the of the theory I am proposing.

When discussing a theory corresponding to this sort of discourse ethics Forst express a need for always using it with an intersubjective practice in mind. Thus, if we are to view human beings as autonomous and rational beings capable of articulating moral and political judgement, those judgements need to be evaluated critically in accordance with a practice of intersubjectivity. However, a critically assessment isn’t enough, in addition these judgments are required to be justified, and collectively be discussed in accordance with its consequences. According to Forst this is what justice primarily is about. It is this practice we need to address to make justice possible in the first place. A theory of this kind then needs to address the complexity of an intersubjective practice.

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76 Ibid
77 Ibid
78 Ibid
3.2 Morality, Ethics and Practical reason

Forst turns to a division between ethical and moral justification and hence the difference between the sphere of ethics and the sphere of morality. The ethical sphere circles around the question of what living a good life is. The moral sphere is in opposite to this circling around the question of what is right. In the moral sphere, one’s action needs to be supported by morally acceptable reasons. In contrast to the idea of a moral form of justification, ethical justification is according to Forst “[…] the values, ideas and “final ends” that constitute a good life and how this is then to be realized".\(^{79}\) When evaluating the ethical idea of a justification Forst does this in three different dimensions. The first assessment of an ethical justification is hence what it means to live a good life or a misspent one. Ethical justification\(^{80}\) is understood as a person’s decision about one’s life resting upon an idea of a good life where values is shared among other moral persons in an “ethical community”.\(^{81}\) A second assessment of ethical justification is directed towards the “others”. Thus, an action must be justified towards other persons that are accounted for as justificatory beings. Likewise, this action must respect values and relations within this ethical community.\(^{82}\) A final and third assessment regards the meaning of ethical justification in a given ethical community. According to Forst this is when

> […] members of an ethical community reflect on their own identity and redetermine the character of their community. Here, an exercise of practical reason is required that combines solidarity and loyalty with the capacity for criticism, and immanently links one’s own perspective with that of the community and its welfare.\(^{83}\)

When it comes to a distinction between an ethical and a moral justification it is followed by a certain amount of problems. In contrast to a moral justification Forst assumes that the ethical

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\(^{80}\) *Ethical obligations* are understood as more of a claim arising from people sharing specific ethical contexts Forst claims that these forms of ethical obligations can only be neglected if and only if it’s of the “[…] cost of damaging one’s own identity or the identity of particular others.” See Forst. *The Right to Justification*, 16.

\(^{81}\) By *ethical community* Forst means other human beings who are subject for ethical justification. See Forst, *The Right to Justification*, 16.

\(^{82}\) Forst. *The Right to Justification*, 16.

\(^{83}\) Forst. *The Right to Justification*, 16.
justification is “[…] the values, ideas and “final ends” that constitutes a good life and how this is then to be realized”. When Forst talks about a moral justification he rests this on a fundamental *principle of practical reason* and means that questions of a practical nature need to be justified in accordance with the principle of justification. The relation between reason and morality is according to Forst one that needs to be accessible as well as agreeable to every reasonable person. A moral person needs to be responsible for the actions performed before it affects other moral persons and in a general as well. When discussing the validity of moral norms this comes down to the idea that no one has good reasons for violating or restrict the norm in question. Forst discusses the fundamental principle of practical reason as something that rests on the validity claim of moral norms i.e. the fact that no one has good reasons for violating them. With the help of the two criteria of reciprocity and generality, the nature of moral justification is hence by far, more reachable than a pure consensus theory. With these two criteria moral persons have a right to justification, a fundamental right that is followed by a duty to justify moral actions and claims. With the Kantian idea of respecting moral persons as “ends in themselves” it is the human being’s ability “[…] that one recognizes their right to justification and the duty to be able to give them appropriate reasons”.

As mentioned the distinction between ethical and moral justification comes with some problems which Forst himself mentions. One of those problems are the dualistic character that comes with assessing and categorizing “values” and “norms” as well as the “good” and the “right” within different spheres. The distinction between ethical and a moral sphere of justification is according to Forst blurred and both perspectives overlap. However, it is emphasized that there is a distinction between what is valid for the own person and what is valid for other persons which problematizes a distinction of this kind. Morally, when justifying a claim or an action they need to be normatively justifiable, equal to all persons that are affected by it and likewise categorically binding. In terms of ethical justification, one can claim that they are binding for a person or a community in which the claim or action is present. However, there are still reasonable grounds for those justifications to be rejected and at the same time claim to be binding for a person or a community. Hence the ground for ethical validity is according to Forst “[…] the particularity of each value perspective and the possibility

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of identifying with it.” However, it is important to emphasize that ethical justification is not by this merely to be viewed as subjective or valid from the conviction of a certain person. When approaching an ethical idea of practical reason there is much more emphasize on the person realizing the values in their own life and acting accordingly in relation to other human beings.

The distinction Forst provides us with between the ethical and moral justification is closely intercepting with how practical reason is used, and that it is used differently depending on which form of justification we are talking about. The idea of a principle of practical reason assumes that normative answers to practical questions should be justified in terms of their validity claim, i.e. the validity of moral norms. Moral persons have to take responsibility for their own action a priori, thus before they affect other moral persons and generally affecting others. When discussing the nature of morality in Forst’s words we always come back to the criteria of reciprocity and generality which are the cornerstone of his theory and the grounding of one’s justification in a moral context. This is also why the feature of justifying moral claims [...] must be reasons that cannot be reasonably – that is, not reciprocally and generally – rejected”.

When Forst discuss a distinction of this kind between ethical and moral justification he addresses the idea of a classical conception of practical reason. According to Forst, human beings can be defined as animal rationale. More precisely human beings possess the gift of reason and are therefore named to have a reason-giving nature. Practical reason is emerging as the ability to answer moral questions with answers justified by a moral intention. Hence it is the ability to give answers to moral questions by giving morally justifiable claims. If no moral reason speaks against a claim or if the claim is based on a moral reason it is reasonably justified

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88Ibid.
89Forst. The Right to Justification, 17.
90Forst. The Right to Justification, 18-20.
91Forst. The Right to Justification, 21.
92Forst’s distinguishes between rational grounding and reasonable justification when discussing practical reason as being subject to practical contexts. A rational grounded answer to questions such as “What should I do?” is according to Forst a reply that “[…] consists of a person considering what the appropriate means for realizing a subjectively given end and acting according to the practical conclusion that follows from relating those ends or goals to potential means.” As for the reasonable justification, Forst means that “[…] distinguishing an action as rational can potentially be comprehended by other rational beings; they do not, however, require others’ acceptance for their validity as good reasons.” Henceforth reasonable justification is according to Forst understood in this context what it means “to give a reason”. This is first of all, to be able to explain an action; it does not mean to be able to justify intersubjective. See Forst Rainer, The Right to Justification, 15.
According to Forst, human beings possess when answering moral questions of a practical nature. Hence, if a person acts accordingly, the person is subject to a practical and reasonable human being, and can therefore be understood as autonomous and responsible. Human beings are therefore obliged to incorporate reasons to their actions as a basic foundation.

When Forst discusses practical reason, he differs between rationally grounding one’s justification and using practical reason to ground one’s justification. According to Forst, it is less fundamental to rationally ground one’s justification than to use the ability of practical reason. This is because practical reason is founded upon the dimension of justification of which the ability to rationally ground initially rests. The one thing that makes it possible to discuss things like being autonomous and ascribe human begins with full responsibility of their actions is their ability to use practical reason. What makes it possible to possess autonomous reasoning is the capacity of justification.

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93 Ibid
94 Forst. The Right to Justification, 18.
95 Ibid.
Chapter 4. Forst’s Moral Epistemology

Let’s address the critical assessment of Forst’s justification theory and evaluate his moral epistemology. We have so forth addressed the fundamental parts of Forst’s justification theory in an effort to understand it. This has laid out the foundation for a further assessment of his justification theory. In this chapter I will address the moral epistemology in Forst’s justification theory and analyze as well as critically assess it. The first section of this chapter will address the cognitivism and non-cognitivism distinction in relation to Forst’s justification theory. The second part of this chapter will address the idea of foundationalism and coherentism in relation to his justification theory. The final and third section of this chapter will address the constructivism that Forst wants to achieve with his justification theory.

4.1. A Cognitivist or Non-cognitivist

When we want to understand Forst’s justification theory we need to understand the origin and the purpose of such a theory. Forst’s original position regarding human beings is that they are justificatory by their nature, i.e. they possess the gift of justifying a claim or an action. Hence, when Forst discusses the idea of human rights he does this with the aim of universally binding rights that are interculturally nonrejectable. All human beings that make claims to have human rights can demand of others that their claim has to be respected. If we want to understand human rights as this, it should have its foundation in a basic moral right and therefore be understood as a right to justification. When discussing the idea of human rights, Forst emphasizes the importance of recognizing the legal as well as the political sphere. Those are the spheres that realize the principle of justification understood in the light of human rights. When Forst discusses an equal right to be respected and an equal right to participation in a practical discourse, Erman for example, criticizes this. She means that Forst’s idea of an equal right to participation as a principle can’t by itself be the criteria of democratic legitimazy. They are only instrumental in justifying this principle.

Forst wants to construct an idea of human rights that is emphasizing and taking into account the objectives that has been presented against them. Objectives of the kind that human

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97 Forst. *The Right to Justification*, 204.
rights have been used by Western Capitalist states to gain political as well as cultural
dominance. Likewise, the importance of a reflexive approach is emphasized, as well as the
absence of any form of exclusionary practice like the one of ethnocentrism. Therefore, the
practice of justification that demands a reflexive approach needs to respect the normative and
practical consequences of one’s actions and claims.\footnote{100} Forst therefore makes this statement:

[...] when it comes to grounding fundamental human rights, the starting point is a basic
claim to be respected as a normative agent who can give and who deserves justifying
reasons.\footnote{101}

If human rights are understood as this, it demands that human beings have to be respected as
reason-giving agents, who deserves justifying reasons. Hence, the right of every person is the
right of every moral person to be respected as someone with a moral right.\footnote{102} With this in mind,
Forst means that human beings feel a “[…] responsibility for their beliefs and actions by giving
reasons to others”\footnote{103} According to Forst, human beings are autonomous beings capable of
formulating their own moral as well as political judgement. Autonomous human beings need
to be able to justify their claims and judgements collectively and hence discuss the
consequences of one’s action with those affected by them.\footnote{104} This is why Forst makes this
claim:

[ […] instead, my aim is to more precisely determine what reason means in practical context,
that is, contexts in which reasons for action are at stake.\footnote{105}

Rather than just assuming that one’s belief or action to be correct and morally right, we need to
give reasons for that kind of practice and feel a kind of responsibility towards other human
beings. Allen for example criticizes the absence of a discussion of ideology when approach
constructivism in metaethics. She means that our own foundation for normative construction
are constructions of our own perception as moral agents, capable of practical reason. These
constructions are influenced by both submission as well as dominance.\footnote{106} When reading Forst,
it is important to understand that his theoretical idea is not a metaphysical one. It is rather one that is meant to be practically applicable in practical contexts. This is why he makes statements such as “[…] determine what reason means in practical context […]”. When Forst constructs his justification theory, it is a form of constructivism which enables him to argue for the importance of collectively dismissing or accepting certain claims and judgements. It is the collective rather than the individual practice as moral agents that are important.

When discussing the field of metaethics we need to understand the complexity of this field. Hence when discussing metaethics as a form of theoretical framework we need to understand that it is in fact the assessment of what moral facts are (and how it’s possible to have knowledge of them) and not whether we should act morally or not in a certain situation. The distinction between cognitivism and non-cognitivism is originating from the disagreement between whether one should believe that moral judgements possess any attribute of truth or falsity or if they don’t. A cognitivist would say that it is possible that moral judgements do exist and that they can be either true or false. A non-cognitivist would assume that moral judgements can’t provide us with knowledge about actual facts. Hence, moral judgements can’t neither verified nor can they be falsified. However, a non-cognitivist can still argue that it is possible to justify a claim or an action without ascribing any truth-or falsity claim to it.

Smith presents a distinction between two different features of morality. Firstly, he argues that it seems to be the case that there is an answer to moral questions, and these answers can be correct. They are correct because they refer to objective moral facts. By entering into a moral conversation or an argument we can determine what those objective moral facts are in relation to their circumstances. This is according to Smith called the “objectivity of moral judgements”. The second feature of morality is what he names as the “practicality of moral judgements”. This means that moral judgements imply opinions that correspond to the reasons for us to act in a certain way. Such opinions are the way of finding oneself with a motivation to act corresponding to that moral judgement. These two distinct features of morality are according to Smith both incorporating metaphysical as well as psychological implications. The relevance for such a statement corresponding to Forst is that he discusses the origin of moral judgements and the practical nature of those judgements. He does at the same time deny any

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107Ibid.
108Bergström. Värdeori, 66.
109Grenholm. Etisk teori, 23.
110Smith. The Moral Problem, 6-7.
metaphysical or other abstract understanding of such judgements. Forst would seem to be closer to the practicality approach if we understand his theory to be founded upon “reasons” for justifying an action. Smith’s assertion is problematic for Forst since it calls for a metaphysical explanation of moral judgments which he denies.

So how does Forst position himself when discussing the epistemology of moral judgments? Forst assumes that a moral principle of justification is making it possible to construct a substantive idea of what human rights are. Hence human rights are “[…] rights that no one can with good reasons withhold from other persons”.\textsuperscript{111} This seems to follow on a more cognitivist path since it seems that Forst assumes that it is possible to construct an idea, a substantive one about what is good and right in life. Forst have two statements regarding this idea.

\textit{[…] the discourse theory of justice developed here does not rest on a “neutral” foundation but on a moral principle of justification, that is, on the substantive individual moral right to justification.}\textsuperscript{112}

\textit{[…] from this “foundation” it is possible to “construct” a substantive idea of human rights as rights that no one can with good reasons withhold from other persons.}\textsuperscript{113}

A substantive idea that is transformed into his perception of what human rights are i.e. the idea about rights that can’t be withhold from another person even though there are good reasons for doing so. Hence it seems to follow that it is possible to know what is good and right in life if we can construct a substantive idea of human rights. This also follows from Forst’s idea about the importance of the legal –and political sphere of those rights. Likewise, this seems to follow how a cognitivist would argue about the meaning of moral judgements. It seems to be the case that if we can have assumptions about what human rights are and construct a substantial idea about them, we should be able to have knowledge about what is good and right in life that are “true” and practically applicable.\textsuperscript{114} It is important to note that Forst does not believe that we can found moral norms upon the idea of what a good life is. However, he does not deny the fact that it is possible to have knowledge about what a good life is and that this could be in a sense referring to a truth-claim.

\textsuperscript{111}Forst. Right to Justification, 5.  
\textsuperscript{112}Ibid.  
\textsuperscript{113}Ibid.  
\textsuperscript{114}Ibid.
When Forst discusses a right to justification he presents the criteria of reciprocity and generality as the foundation for constructing basic rights. With the criteria of *reciprocity* and *generality* statements about these rights can be somewhat transformed into basic rights in a legal-political sphere.\(^\text{115}\) As mentioned, reciprocity is mentioned as:

\[\ldots\] no one may refuse the particular demands of others that one raises for oneself (reciprocity of content), and that no one may simply assume that others have the same values and interests as oneself or make recourse to “higher truths” that are not shared (reciprocity of reason).\(^\text{116}\)

And generality is, as mentioned:

\[\ldots\] means that reasons for generally valid basic norms must be sharable by all those affected. The critical strength of these requirements is a substantive implication of the theory I am proposing.\(^\text{117}\)

“\[\ldots\] that the reasons for such norms need to be sharable among all persons affected, not just dominant parties.\(^\text{118}\)

Reciprocity is hence a filter for not allowing any rights that oneself demands but denies others to be made i.e. reciprocity of content. Hence one can’t assume that other persons have the same values and interests as oneself and one can’t neither prescribe to “higher truths” not shared among others i.e. reciprocity of reason. There is no allowing of making statements that would rest upon “higher truths” such as referring to God as a source of justification of one’s claim. However, Forst doesn’t deny any idea that it is possible to have knowledge about what is good and right in life. As long as there are no demands that one makes that is denied other human beings, it is possible to make statements about what is good and right in life. This follows on a cognitivist path since there are no denying of having knowledge in such a situation. Reciprocity is rather a filter for not allowing any statements that restrict other persons perception of what is good and right in life.

The same can be said about the criteria of generality. The reasons that are presented and are claimed to be generally valid basic norms must be shared and accepted by all the persons affected. This does neither deny the fact that it is possible to have knowledge about those

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\(^{115}\)Ibid.

\(^{116}\)Ibid.


\(^{118}\)Ibid.
reasons one presents, only that they need to be sharable among other human beings and not just among dominant parties. Forst embraces a social philosophy that does not deny statements about what a good life is or what is right. Rather it is that such statements need to be exposed to “[…] the justifying authority of those affected”. The reciprocity and generality criteria are the filter for such statements to be made and hence expose them to those authority’s affected. This can be seen in passages in Forst’s text as the following:

Thus, a supreme principle holds within such a framework – namely, the principle of general and reciprocal justification – which states that every claim to goods, rights, or liberties must be justified in a reciprocal and general manner, where one side may not simply project its reasons onto the other but has to justify itself discursively.

There are no noticeable passages where Forst would deny the assumption of existence of moral facts or that moral judgements can have attributes of truth or falsity. Both reciprocity and generality are thus in a more general manner the filter of which one’s claim has to pass. Hence, it is how a claim is discursively justified. If it is possible that one can make a claim that proceed from the idea of what is good and right in life this seem to follow on a cognitivist path. When it comes to claims about what is right in life the criteria of reciprocity and generality can elevate that claim into a moral norm. This would imply that it is possible to have knowledge about them and that they are true since substantive ideas about human rights is based on those norms. However, it is important to note that the distinction of ethics and morality does come with a problem here since Forst does not want to found moral norms on claims such as “what is good in life” i.e. the ethical sphere of justification. I will come back to this discussion later in this chapter.

It seems, this far, that Forst can be understood more as a cognitivist rather than a non-cognitivist. He discusses the origin of what is good and right in life without denying that moral facts exist and can be knowable. With the discussion about what is good and right in life comes the distinction between ethics and morality in Forst’s theory. Hence when Forst discuss the sphere of ethics he turns to the questions of what it means to live a good life. Forst describes the ethical form of justification as “[…] the values, ideas and “final ends” that constitute a good life and how this is then is to be realized”.

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119 Forst. *Justification and Critique*, 5.
120 Forst. *Justification and Critique*, 34.
ethical justification Forst turns to the values, ideas and “final ends” that makes up a good life. As has been mentioned previously in this chapter, Forst continuous to follow on the path of a cognitivist. He assumes that it is possible to discuss ideas and values about a good life, and it seems that human beings need to understand the origin of these concepts to have knowledge about what a good life is. When it comes to a discussion about the moral sphere, on the other hand, Forst turns to the question of what is right and argues that actions and claims need to be supported by morally accepted reasons.

Forst is using a distinction between ethics and morality that is developed by Habermas and Ronald Dworkin. Following this distinction, human rights are understood as in need of having an independent and sufficient moral substance as well as justification, and not anything that would imply an ethical conception of the good. Moral justification needs to be neutral in these kinds of matters when one discusses what it means to have a worthy or good life. This means that human rights can’t be founded upon the idea of what a good life is. Rather what constitutes human rights is the moral justification that rests upon the idea of what is right. According to Forst, there is no point in returning to the idea of an ethical justification once we move to the sphere of morality. Forst comments on an ethical justification as this:

A comprehensive analysis of practical and normative justification would thus have the task of examining the various contexts of justification within the framework of a recursive reconstruction of the validity claims raised in each context to identify the conditions of redeeming those claims. […] The analysis would have to ask what type pf reasons are needed to be able to support and sustain answers in each case to the question “What should I do?” This cannot be carried out here; I restrict myself in the following to the problem of justification within the context of morality.

According to Forst, there is no point in looking to an ethical justification once we enter the moral sphere since it would imply that we have to justify claims based on the question “What should I do?” in every single case we will encounter. However, he does not in fact deny that it is possible to require knowledge about what is a good life if we ask the question “What should I do”? He does neither deny the fact that this can be justified in some way. So even if it seems

123 Forst. The Right to Justification, 18-19.
that Forst doesn’t discuss ethical justifications any further, he does not deny that those justifications are worthless or possible to have knowledge about. He just finds them to be insufficient when it comes to achieve applicable moral norms. Because moral norms need to be based on the absence of any relations of power and founded upon the criteria of reciprocity and generality.

When reading the distinction between the ethical and moral sphere, we encounter some problems that Forst addresses himself. One of those problems is the dualistic character that comes with assessing and categorizing “values” and “norms” as well as the “good” and the “right” within different spheres. The distinction between an ethical and a moral sphere of justification is according to Forst blurred, and both perspectives overlap. A moral justification needs to be normatively justifiable, universally binding and equal to all persons affected. An ethical justification on the other hand finds that a justified claim is binding for the person or those in an ethical community of which the claim or action is presented. If there is a dualistic character over making this form of distinction, this comes from the idea that Forst does not believe that values and ideas about what is good in life can serve as the foundation for moral norms. This is why he turns to a discussion about norms based on what is right as the foundation for constructing those moral norms.

At least when Forst discusses the moral idea of a justification, he turns to an idea of a principle of practical reason. This principle implies that normative answers to practical questions should be justified in terms of their validity claim, i.e. the validity of moral norms. The validity claim of moral norms is the fact that no one has good reasons for violating them. Along with this comes the statement that being a moral person means that one has to take responsibility for actions a priori, hence before they affect other moral persons. This thus implies that one’s perception of what is right (since we now discuss the moral sphere) is something that can’t be derived only to be of a constructive nature. Hence the previously stated ideas, that Forst doesn’t deny the fact that there is a possibility to require knowledge about what is right in questions of morality, as well as the perception that a moral person should take responsibility for their action a priori, point towards a more cognitivist approach.  

So forth it seems that Forst takes on a path that is of a more cognitivist nature, at least when it comes to an understanding of his idea of the ethical and moral sphere of justification.

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124 Forst. The Right to Justification, 17.
125 Forst. The Right to Justification, 18-19.
Likewise, he concludes that a moral person has some kind of a priori reasoning when it comes to know how one’s action affect other moral persons. This part of the chapter has developed an idea of whether Forst can be understood as a cognitivist or a non-cognitivist. Next part of this chapter will evaluate whether Forst can be understood as a foundationalist or a coherentist and the problems with his reasoning on this matter.

4.2. Forst’s Rationalism

As mentioned Forst believes that human beings are justificatory by their nature and that they feel a “[...] responsibility for their beliefs and actions by giving reasons to others”.\textsuperscript{126} When it comes to his understanding of human rights he believes that they should aim at being universally valid and interculturally nonrejectable.\textsuperscript{127} This is why we in this section of the chapter will assess the theoretical position he takes in relation to the framework of a moral epistemology. Forst assumes that human beings “feel a responsibility” when it comes to giving reasons for their actions and claims. This is an interesting statement since it is rather unclear where this feeling is supposed to originating from. Hence, we need to dig deeper into this and evaluate what this means when it comes to discussing the origin of a moral epistemology.

As previously mentioned when approaching the field of metaethics one must understand its different approaches. The two dominant views in moral epistemology are foundationalism and coherentism. Foundationalism can be further divided into two views: rationalism and empiricism. According to foundationalism, fundamental beliefs can be justified: if a person (P) has a fundamental belief, this is basic due to the fact that it does not draw upon any other beliefs to be justified. The rest of this person’s beliefs rests upon those fundamental beliefs. This is why any non-fundamental belief needs to be derived from well-established beliefs. According to rationalism, these basic beliefs can only be achieved if we use our ability of reason. It is the Kantian idea that every rational being can realize that they should act in accordance with maxims that can be prevailed to a universal law.\textsuperscript{128} In contrast to this, empiricists argue that basic beliefs can best be achieved if we rely on our experiences. In questions about moral norms, the empirical evidence is our moral intuition. Hence, an empiricist about moral knowledge would say that the fact that a certain set of moral judgements seem intuitively reasonable is

\textsuperscript{126}Forst. \textit{The Right to Justification}, 1-2.
\textsuperscript{127}Forst. \textit{The Right to Justification}, 204.
\textsuperscript{128}Bergström. \textit{Värdeteori}, 95–97.
good evidence that those judgements are right. We should be able to “see” that a certain set of judgements is worth having intrinsically. In contrast to foundationalism we can use coherentism to justify our beliefs. Coherentism is basically the denial of foundationalism. According to coherentism, there are no fundamental beliefs. However, they believe that “Every justified belief receives its justification from other beliefs in its epistemic neighbourhood.” Beliefs are therefore structured more like a web or a network rather than like a building. With this short briefing of the theoretical framework we can proceed from here and go straight into Forst’s account of how we should understand the origin of his idea of a justification.130

Human beings are justificatory by their nature and feel a responsibility towards other human beings in giving reasons for a belief or an action. Forst maintains an approach that is one of a Kantian tradition. He therefore believes that human beings should treat each other as “ends in themselves” and not just as an instrument for their own well-being. Human beings are thus autonomous and rational by their nature.131 This is something implying a rationalistic argumentation since it follows the idea that a belief is justified by a person’s ability of rational reasoning. However, Forst wants to achieve a constructivist theory, which problematizes a pure rationalistic argumentation of this sort. I will come back to this discussion in the last part of this chapter where I will discuss what kind of constructivism Forst wants to outline. The foundation for this constructivism is something that Forst mentions as a moral principle of justification that should rely upon a moral individual right rather than something neutral or objective. With this, Forst presents his idea of human rights as certain rights that “[…] no one can with good reasons withhold from other persons”, reasons that human beings “feel” a responsibility towards.132

In the Fundamentals of Ethics by Russ Shafer Landau there is an example of a discussion of whether slavery is wrong. Richard Hare for example, defends the utilitarian view and argues that whether it is wrong or not, depends on the result of having slavery as a system, and argues that it is not intrinsically wrong.133 The Kantian objection to this is that slavery treat human beings as mere objects and this is why slavery is morally wrong. This is known as the “principle

129Steup, “Epistemology”, Section 3.2.
130Bergström. Värdeord, 100-103.
131Forst. The Right to Justification, 1-2,5.
132Ibid.
of humanity”\textsuperscript{134} which is “Always treat a human being (yourself included) as an end, and never as a mere means”. Humanity is understood as every rational and autonomous being.\textsuperscript{135} Consider that Forst is a Kantian and believes in rationalism as a mean for acquiring knowledge. This fits nicely with the epistemological view of rationalism. Kant believed that the idea of rationality and autonomy is supportive of the “dignity” for all human beings. This means that dignity is synonymous with that everyone has to be subject to a level of respect. Paternalism is for example something that limit others of their liberty for their own good and against their will. This means treating autonomous individuals as children and not as “free” and rational beings, which is morally wrong according to the Kantian tradition.\textsuperscript{136}

Forst understands dignity in a similar way to the Kantian view:

\textbf{[…]} the notion of “dignity” that lies at the heart of such a conception of human rights is not a metaphysical or ethical one, combined with a doctrine about the good life. Rather, dignity means that a person is to be respected as someone who is worthy of being given adequate reasons for actions or norms that affect him or her in a relevant way.\textsuperscript{137} With this statement, Forst moves away from the metaphysical idea of human rights as well as any ideas about the good life. Smith’s statement is as mentioned problematic for Forst since it calls for a metaphysical explanation of moral judgements which he denies. Dignity is rather something resting upon the justification principle Forst presents i.e. the reasons for feeling a responsibility to justify one’s actions towards others. Forst means that “Each person is an “authority” in the space of reasons […]” and further argues for dignity where “[…] its concrete implications can be ascertained only by discursive justification”.\textsuperscript{138} This is neither a thought that can be understood in the light of an empiricist since it is not something that rests upon any “seeing” when a reason is justified. It is neither one that can be understood in the light of a coherentist view.\textsuperscript{139} Rather it continues to follow on a Kantian idea of rationalism since dignity is something that rests upon the idea of autonomous and rational human beings with a duty to justify. According to Forst, the respect that dignity implies “[…] regard others as autonomous

\textsuperscript{134}This is also known as the “principle of human dignity”. I will however, use the phrasing mentioned by Landau-Shafer and mention this as “the principle of humanity”.


\textsuperscript{136}Landau-Shafer. The Fundamentals of Ethics, 171.

\textsuperscript{137}Forst. Justification and Critique, 63.

\textsuperscript{138}Ibid.

\textsuperscript{139}Bergström. Värdeorin, 96-97.
sources of normative claims within a justificatory practice.”¹⁴⁰ Instead of understanding “dignity” as a “thick concept” to borrow G.E. Moore’s categorisation¹⁴¹, Forst wants to understand such concepts as something resting upon the idea of giving adequate reasons. Rather than just accept concepts such as dignity as something that is abstract and metaphysically non-reachable, Forst derives it down to being resting on a principle of giving adequate reasons for one’s claim. This idea of dignity he says, that lies at the heart of human rights has to be understood in this way to avoid any non-acceptable relations of power. What can we say about such a claim? It is not a pure rationalistic perception of how to justify a belief. It is, however, something that follows the principle of human dignity or the humanity principle presented by Kant which points towards rationalism in moral epistemology. However, it can also be thought of as a derived form of rationalism. I would not exclude the fact that it could be one of empirical character or of a coherentist one (since Forst de facto at one point turns to Rawls idea of effective equilibrium) but I will argue for that he is best understood as some kind of rationalist when it comes to a discussion of moral epistemology.

In contrast to Rawls, Forst does not want to claim or construct a consensus theory. He wants to have the criteria of reciprocity and generality as distinguishers for deciding which reasons that can be accepted and which ones we can’t.¹⁴² Returning to the idea of reflective equilibrium Forst makes this statement on the matter:

> And yet, the project of critical theory of global injustice and justice must not be given up, since we still need to find a “reflective equilibrium” (to use Rawls’s terms in a different context) in our normative considerations between adequate, critical assessment of the existing economic and political transnational relations and our best general theories of justice and morality.¹⁴³

Reflective equilibrium is an idea about how we can examine moral judgements. The equilibrium is an end-point of the deliberative process in which a person reflects on and revises their beliefs. It is thus a method for seeking coherence among one’s moral beliefs. As a method, this is understood as working back and forth among our considered moral judgements. This can

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¹⁴⁰Forst, Justification and Critique, 63.
¹⁴²Forst, The Right to Justification, 6.
be helpful when reasoning about what we should do in terms of moral actions and claims. Remember that coherentism states that a belief is justified if it is in accordance with other beliefs structured like a web or a network. Thus (DC) assumes that “Every justified belief receives its justification from other beliefs in its epistemic neighbourhood”. (EC) notes that what appearing as the right thing to do is how it appears to you. This means that it is the conjecture that it is true, and that it is the right thing do to that makes a belief justified. Remember the statement made by Forst that “[…] the project of critical theory of global injustice and justice must not be given up, since we still need to find a “reflective equilibrium” […]”. This seems to be a pure coherentist idea since Rawls reflective equilibrium is a view that is understood as this. How does this follow on the path of the Kantian tradition of rationalism he previously has been following?

The answer to this question depends on whether we can or should interpret him as a political theorist or one practicing normative-and metaethics. The idea of reflective equilibrium and the supposed coherentism this would imply is not something Forst takes on when he discusses his justification theory or the idea of moral and ethical justification. It is rather something that corresponds to his idea of “[…] normative considerations between adequate, critical assessment of the existing economic and political transnational relations and our best general theories of justice and morality.” This is rather an argumentation different from his moral epistemology, though worth mentioning. It is an argumentation that is more of a political character rather than one of a metaethical one. Forst further means that:

Human beings are always participants in a multiplicity of practices of justification – this is the social-philosophical thesis which I defend here; all of our thought and actions unfold in particular (social) spaces of reasons and what we call reason is the art of orienting oneself within and between them.

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146 Steup, “Epistemology”, Section 3.2.
147 Forst. The Right to Justification, 241.
148 Ibid.
149 Forst. Justification and Critique, 2.
With this statement, he categorizes human beings as participants in several practices of justification and confirms that he emanates from a social-philosophical thesis. This means that when Forst discusses the nature of justification, he prefers the rationalism of the Kantian tradition. As he proceeds to discuss the practicality of certain theories of morality and justice and their relation to economic and political transnational relations he turns to the idea of reflective equilibrium and hence a coherentism. The result of such an argumentation is something that corresponds to his division between a philosophical and a political theorist. He is thus when it comes to a discussion of moral epistemology more of a rationalist rather than a coherentist. However, as we will encounter in the last part of this chapter, Forst follow on the same path as Rawls among others when it comes to what kind of constructivism he wants to establish.

On top of this discussion the distinction between ethics and morality becomes apparent. The ethical sphere or the ethical form of justification circles around the question what living a good life is. The moral sphere or justification circles around what is right and that a person’s action needs to be supported by morally accepted reasons. The division between ethical-and moral justification is thus something Forst makes to avoid any metaphysical or abstract reasoning’s about what a good life is. According to Forst if we turn to an ethical justification we would have to ask the question “What should I do?” in every single case that requires a justification. This is not durable according to Forst.150 This is Forst’s motivation for leaving the ethical form of justification since it seems to be impossible to ask the question “What should I do?” in every case that is requiring a justification. Along with this distinction comes the idea of “practical reason” which is given a great amount of space when it comes to his idea of a “grounding” of moral justification. Forst takes on the idea of Habermas in the understanding of reason, as he finds that:

> In order to avoid an instrumental conception of reason and given the impossibility of a substantialist conception of reason, “rational” must be understood, following Jürgen Habermas, in the sense of “justified in discourse” 151

When it comes to the idea of practical reason, Forst wants to avoid any instrumental implications of such an idea. He finds that it is impossible to base any idea of reason on a

150 Forst. The Right to Justification, 15, 19.
151 Forst. Justification and Critique, 7.
substantialist idea. This is why Forst follows on Habermas idea and defines “rational” as something that is justified in a discourse. Viewing rational as something that is justified in discourse would not follow on any pure rationalist view. A rationalist argues that it is rather the idea of a fundamental belief that is justified by the use of our reason. The Kantian tradition argues that every rational being needs to realize that they should act in accordance with maxims that could be prevailed to a universal law.\textsuperscript{152} Forst’s perception of this is more of a “constructivist rationalist” one. Similar to the discussion that is put forth by Sangiovanni.\textsuperscript{153}

Forst ask himself the question “[…] What does it mean to act in morally justified ways?” Hence “[…] What criteria distinguish moral action?”\textsuperscript{154} The answer to this is according to him, a “[…] recursive reconstruction of the principle of practical reason in the form of reciprocal and general justification […].”\textsuperscript{155} This is the first step in trying to resolve the “foundation of morality” according to Forst. The second step is to ask the question “[…] What norms are morally justified?” Forst answers the second question with the criteria of generality and reciprocity.\textsuperscript{156} Lastly, we have to ask the question “[…] Why be moral?”. With this in mind Forst wants to ground morality of a discursive practice of practical reason. Along with a moral epistemology, this would not follow strictly of any of the dominant views. However, it follows more how a rationalist would argue than any other of the existing approaches. There is an interesting idea that develops from here. According to Forst:

The moral insight is thus essentially an insight into one’s responsibility to others, and so a practical insight into the (recursively reconstructed) how and the unconditioned that of the justification of morally relevant actions according to the criteria of reciprocity and generality. It is essential to respond to (ent-sprechen) the claim (An-Spruch) justification of affected others, to answer it with justifiable reasons.\textsuperscript{157}

Thus, the moral insight is an insight into a person’s responsibility towards others. This is how practical reason is understood, as an insight (a rational and autonomous one) into one’s responsibility towards another moral person. Forst further claims that:

\textsuperscript{152}Bergström. \textit{Värdeordning}, 96-97.
\textsuperscript{153}See Sangiovanni, “Scottish Constructivism and The Right to Justification”, 29
\textsuperscript{154}Forst. \textit{The Right to Justification}, 22.
\textsuperscript{155}Ibid.
\textsuperscript{156}Ibid.
\textsuperscript{157}Forst. \textit{The Right to Justification}, 36.
The insights into the rational, social and finite nature of human beings are thus combined with the insight that in moral respect humans owe one another a fundamental form of recognition: recognition as moral persons with a right to justification. On this foundation, norms and ways of acting that specify what it means to respect someone morally can be grounded.\(^{158}\)

With the insights into the rational and social nature of human beings combined with the insight the responsibility human beings feel towards one another is how a respect for someone can be morally grounded. So, remember that a foundationalist assumes that if a person (P) has a fundamental belief that is basic due to the fact that it does not rests upon any other beliefs. This is why non-fundamental beliefs need to be derived from well-established beliefs. A coherentialist would argue in this case that a belief is justified if it can be part of a coherent set of beliefs.\(^{159}\)

A belief is justified if it can receive its justification from other beliefs in an epistemic neighborhood.\(^{160}\) According to Forst, an insight of rational nature is when human beings feel a responsibility towards other moral persons in justifying a claim or an action.\(^{161}\) Instead of understanding the finitude of reason as something metaphysical and abstract Forst takes on a constructivist approach and defines it as something to be of a discursive nature. Even though it is not a rationalism that is exclusively one that follows on a moral epistemology, it is still one that assumes this approach in some way.

When it comes to the validity of morality Forst means that it is one of an intrinsic nature i.e. a morality that does not draw any form of validity outside itself. Forst has two statements of interest regarding this claim.

Morality does not draw its validity from anything outside itself, and hence must be followed for its own sake. From the first-person perspective, it too must possess a sui generis normativity that must not be derived from any other source of normativity or from empirical factors.\(^{162}\)

[\ldots] this means that the question of moral normativity requires that we examine the first-person perspective: for what it means to follow a moral norm, or to “submit” to it, must be reconstructed in terms of the self-understanding of persons.\(^{163}\)

\(^{158}\)Forst. The Right to Justification, 40.
\(^{159}\)Bergström. Värdeöver, 95, 100–103.
\(^{160}\)Steup, “Epistemology”, Section 3.2.
\(^{161}\)Forst. The Right to Justification, 36.
\(^{162}\)Forst. The Right to Justification, 46.
\(^{163}\)Forst. The Right to Justification, 45.
At this stage Forst denies any kind of empirical or normative facts outside a morality and its validity claims. However, he still calls upon the moral person’s self-understanding when it comes to the ability to follow a moral norm. The self-understanding of a moral person is thus something that would imply a rationalist view. Remember that Forst still believes that this form of self-understanding rests upon an insight into the finitude of reason. That is, a reason that is defined as someone’s responsibility towards other human beings and their right to justification.\(^{164}\)

This part of the chapter has proceeded from a discussion of whether Forst can be understood as a foundationalist or a coherentist when it comes to a moral epistemology. At this point, Forst seems to follow on the path of rationalism when it comes to a moral epistemology. However, his view is not a pure rationalistic one, as we have seen. This is best explained in the next and final part of this chapter which takes into account what kind of constructivism he wants to achieve.

### 4.3 Moral and Political Constructivism

So forth we can agree that Forst is some kind of rationalist when it comes to a moral epistemology. He believes that it is the ability of using practical reason that makes human beings feel a responsibility towards other moral persons. This is why human beings feel a duty to justify a claim or action. This part of the chapter will evaluate Forst’s constructivism and ask the question “What kind of constructivism he wants to achieve?”

Forst wants us to understand that political and social justice can be understood as constituting of a single right; the right to justification. This is according to Forst the best possible way to do a form of modernization of Kant’s categorical imperative i.e. respecting other human beings as “ends in themselves”. Forst means that if we can begin by arguing for a basic moral right to justification we can situate it, or rather we must situate it in a political context of justice.\(^{165}\) From this point, Forst wants to construct a discourse theory of justice. Opposite to a more neutral grounding of a discourse theory of this kind, Forst wants to ground it on a moral principle of justification. It is a moral right to justification that rests upon a

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substantive individual moral right.\textsuperscript{166} Thus, every form of conception or content of human rights needs to be discursively justified when we discuss the idea of a moral right.\textsuperscript{167}

*Constructivism* can be understood as either social constructivism, Kantian constructivism or Humean constructivism. Social constructivism is generally one that advocates a reality where norms and values are social constructions generated by human interaction. Opposite to this is the Kantian form of constructivism. The Kantian tradition assumes that values and norms are constructed by human reason within the process of rational reasoning.\textsuperscript{168} This is where the question “What kind of constructivism Forst wants to achieve?” is relevant. According to Forst social and political justice are best understood by a reconstruction of Kant’s categorical imperative and humanity approach to treat one another as “ends in themselves”. This follows a more Kantian tradition within the field of constructivism. Forst argues for that moral norms only can be constructed with the criteria of reciprocity and generality. With these two criteria, it is possible in some way, according to Forst, to transform the idea of a basic right (a right to justification) into a legal-political sphere.\textsuperscript{169} However, when we approach this further, there are some problems with his idea of constructivism. Forst’s constructivism is one he phrases as “moral constructivism” as well as something he calls “political constructivism”, and not an ethical constructivism. Moral constructivism is the conception of rights that neither an individual nor a state can legitimately deny others. Political constructivism means that legal, political and social structures need to be developed to concretely justify general rights in social contexts. According to Forst this is a constructivist conception of human rights as distinguished between two levels of “discursive construction”. On the basis of a fundamental right of justification resting upon the criteria of reciprocity and generality, we can understand human rights as rights that no one can reasonable reject or deny others. Forst’s idea of a moral constructivism is according to himself resting upon a discourse theory and emphasizes that human being’s participation in a practical discourse and together with others decide upon what is right.\textsuperscript{170} This is opposite to both Rawls and Korsgaard, which emphasizes an idea of a more individual deliberation. Rawls idea of this is for example his argument of a “veil of ignorance”.

\begin{itemize}
  \item \textsuperscript{166} Forst. *The Right to Justification*, 5.
  \item \textsuperscript{167} Forst. *Justification and Critique*, 64
  \item \textsuperscript{168} Grenholm. *Etisk teori*, 257.
  \item \textsuperscript{169} Forst. *The Right to Justification*, 1-2.5.
  \item \textsuperscript{170} Forst. *The Right to Justification*. 213-215.
\end{itemize}
An important idea for Forst is that he only addresses the question of what is right with his moral constructivism. Forst makes this statement in the same passage of the text:

We need not resort to a metaphysical or anthropological foundation for these rights. Rather, they are to be regarded as constructions – not as “mere” constructions, but as constructions that have an intersubjective nonrejectable “ground”.  

Forst understands the foundation of these rights as constructions but not as “mere” constructions. Thus, constructions of rights that have intersubjective and nonrejectable grounds. When Forst discusses what kind of constructivism he wants to achieve we can conclude that it is one that follows a Kantian constructivism rather than a social one or a Humean one. Rights are as he says “mere” constructions. Forst further means that:

Connected to the cognitive insight into the principle of justification (and the criteria of reciprocity and generality) is the normative insight that moral persons have a duty not to withhold the basic right to justification from any one.

Thus, it is with the cognitive insight into the principle of justification along with the two criteria of reciprocity and generality that makes a person understand their responsibility and duty towards other human beings. It is not exclusively the discursive practice of human interaction that forms moral norms. The cognitive insight is thus the normative insight of a moral person. Assuming any form of cognitive insight is thus excluding any practice that is of a social constructivist nature. Forst mentions three reasons why we should embrace human rights as a result of “discursive constructivism”. Firstly, he notes that human rights should be founded on a secure and unbiased basis that is taking the form of a “building” that is raised in principle by all human beings in terms of them as cooperating moral persons. Secondly, Forst follows Rawls in arguing that human rights start from what it means to be a moral person. Moral persons are properly represented when basic principles are constructed. However, Forst’s moral constructivism is something that leads to another conception of human rights than the one Rawls presents. Forst wants to construct human rights and norms of international justice on a moral justification with the criteria of reciprocity and generality as the foundation. As a third reason Forst presents the advantages of “discursive constructivism”. This means that it is the

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171 Ibid.
172 Ibid.
conception of a “reasonable justification” that needs to be placed in various contexts where members of communities accept the principles in guiding their lives collectively. 173

The Kantian constructivism presupposes that values and norms are constructed by human reason within the frame of a rational process. On the Kantian side of constructivism, we have Rawls arguing that principles for a just distribution is hence constructed by the participating parties and as rational beings they make choices under the vail of ignorance. 174 Another advocate of the Kantian constructivism is Korsgaard, who argues that rational beings construct principles for moral norms that are practically necessary. 175 Forst’s account of a constructivism rests on the criteria of reciprocity and generality for moral norms to be constructed and in some way, transform them into rights in a legal-political sphere. 176

Forst’s account of moral constructivism needs to be both integrated as well as attend to political constructivism. Forst motivates this as following:

[...] since moral construction can only lead to a very general list of rights for which we can assume that no normatively acceptable reasons count against their validity, these rights can only be concretely justified, interpreted, institutionalized, and realized in social contexts, that is to say, only within legally constituted political order. The very rights that moral persons can claim and justify as moral rights they must also be able to claim and justify as citizens of a particular political community, which depends on their social goals. 177

Forst’s moral constructivism rest upon the conception of rights that neither individuals nor states can legitimately deny others. According to Forst moral constructivism can, however, only present us with a general list of rights. Since moral constructivism is the idea about rights that no one can reasonably reject (to borrow Scanlon’s phrasing) there is a need for them to be concretely justified and realized in social contexts. This is where he turns to the political constructivism i.e. whereas legal, political and social structures need to be developed to concretely justify the general lists of rights. 178 Forst’s constructivism is first and foremost one of a moral constructivism and is needed when constructing rights that no one can reasonably reject. However, he still needs the political form of constructivism to realize those rights. We

175 Korsgaard. The Sources of Normativity, 34, 122.
176 Forst. The Right to Justification, 5.
177 Forst. The Right to Justification, 218.
can surely categorize and understand Forst as a Kantian constructivist, this would be a benevolent interpretation of his theory and the claims he does.

Sharon Street discusses the pros and cons for approaching a constructivism on a metaethical level. She notes among other things that “[…] when it comes to “first-order” or “substantive” normative ethics and political philosophy, constructivist views are a powerful family of positions”. There is a disagreement whether constructivism in metaethics have something to contribute, or not. As mentioned Street distinguish between “procedural characterization” and “practical standpoint characterization” for a constructivism in metaethics. The proceduralist characterization is according to Street the understanding of “[…] normative truth as not merely uncovered by or coinciding with the outcome of a certain procedure, but as constituted by emergence from that procedure.” Thus if a constructivist then talks about any truths they do not believe it to exist any truths about justice independent of that procedure. However, Street mentions that “[…] the truth of the principle consists in the fact that they are the ones that would be selected by the parties in the original position”. According to Street, both Rawls and Korsgaard are prominent supporters of a proceduralist characterization. Thus, the proceduralist account of a metaethical constructivism notes that there are no normative truths independently existing of the procedure. Street finds it to be more convincing to argue for an approach whereas no normative truths can exist independently of a practical point of view. Street makes the following assumption regarding the practical point of view.

More broadly, we may say, the practical point of view is the point of view occupied by any creature who takes at least some things in the world to be good or bad, better or worse, required or optional, worthy or worthless, and so on – the standpoint of a being who judges, whether at a reflective or unreflective leave, that some things call for, demand, or provide reasons for others. The claim is that we have an understanding of this attitude even if we do not yet understand what value itself is.

When Street discusses the “practical standpoint characterization” she characterizes it as where value in itself does not need to be understood to provide reasons for others. Street mentions Scanlon’s contract theory as an example for the more proceduralist characterization. According

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179 Street. “What is Constructivism in Ethics and Metaethics?”, 363.
181 Ibid.
182 Ibid.
183 Ibid.
to Street, Scanlon wants to “[…] give an account of the truth of the restricted set of normative claims concerning right and wrong, or more narrowly, “what we owe to each other”. When it comes to Forst’s, constructivism it is one that follows on the path of a proceduralist characterization rather than the one Street presents. He is in fact resting his principle of a right to justification on Scanlon’s idea “not reasonably rejected”. Forst means that the feature of justifying moral claims that the reasons for those justification “[…] must be reasons that cannot be reasonably – that is, reciprocally and generally – rejected.” Forst’s constructivism is similar to the one Rawls as well as Korsgaard presents in the sense that it is of a Kantian form of constructivism. The essential part of Forst’s theory is thus that the reasons for justifying a moral claim has to be reasons that no one can reciprocally and generally reject.

In another written composition of Shafer-Landau, namely The Ethical Life: Fundamental Readings in Ethics and Moral Problems, there is a discussion regarding the Humean arguments against rationalism in moral epistemology. The Humean view is important to mention and taking into account when discussing constructivism since Street names her own form of constructivism as a “Humean Constructivism”. It is likewise important to understand that when reading Forst’s theory as a kind of rationalism, it is a rationalism that has its own problems. This is also why the absence of such a discussion in Forst’s theory of justification is problematic. According to the Humean critique of rationalism, morality is influencing one’s action and affections, this means that it can’t be derived from reason. This is because reason alone can’t possibly have such influence exclusively. The conclusion is then that reason is not the maker of moral rules or norms. On this matter the following statement is made regarding reason as subject for discovering truth or falsehood:

Reason is the discovery of truth or falsehood. Truth or falsehood consists in an agreement or disagreement either to the real relations of ideas, or to real existence and matter of fact. Whatever therefore is not susceptible of this disagreement, is incapable of being true or false, and can never be an object of our reason. With this in mind we can move on to the final chapter and hence sum up and make the final critical assessments of Forst’s justification theory.

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185 Forst. The Right to Justification, 21.

186 Ibid.


Recall the phrase “Reason is the discovery of truth or falsehood”\textsuperscript{189}. This is undoubtedly categorizing Forst as both as a cognitivist as well as a rationalist, if we follow the Humean account of reason. Hume offers three reasons that “moral rules or norms can’t be derived from reason”. I will not present all of them here, however one of them is sometimes called the Motivation Argument. As previously mentioned, this is the idea that morality is influencing one’s action and affections, and this means that it can’t be derived from reason\textsuperscript{190}. When discussing the Humean account of Constructivism as well as the Humean critique of rationalism, Sangiovanni’s argumentation is interesting to address. Sangiovanni argues that the Kantian tradition of constructivism offers necessary conditions for solving on the one hand the problem of normativity and on the other hand the Euthyphro\textsuperscript{191} dilemma. However, he argues that those conditions are not sufficient. According to Sangiovanni, the one thing that is lacking is the attribute of social emotions in a moral domain\textsuperscript{192}. According to Sangiovanni:

\begin{quote}
I […] seek to reveal the weakest point in Kantian constructivism (in whatever form) by querying what the constitutive must say about cases of moral blindness. I will argue that those reflection shows that morality cannot be constitutive of mere deliberation, action, communication or justification; rather, morality is only constitutive of the deliberation, action, justification or communication of social beings, of beings, that is, with a distinctive range of social emotions.\textsuperscript{193}
\end{quote}

In contrast to Forst and the Kantian tradition of viewing practical reason or a rational process as a sufficient condition, Sangiovanni argues that it is rather the idea that human beings are social beings that constitutes the sufficient condition. Another important notice made by Sangiovanni is the question she asks on the account of Forst’s view of human beings. She asks, “Why does recognizing someone as a human being entail that I Shouldn’t take advantage, say, of his finitude, vulnerability and suffering?"\textsuperscript{194} She further questions Forst’s account of Wittgenstein’s view of human beings as having a “soul” and questions why the attribute of


\textsuperscript{190}The Euthyphro dilemma is written in Plato’s dialogue \textit{Euthyphro}, and addresses the problem of whether What is morally good is established by God because it is morally good, or if something is morally good because God thinks so.

\textsuperscript{191}Sangiovanni. “Scottish Constructivism and The Right to Justification”, 43-44.

\textsuperscript{192}Sangiovanni. “Scottish Constructivism and The Right to Justification”, 44.

\textsuperscript{193}Sangiovanni. “Scottish Constructivism and The Right to Justification”, 61.

\textsuperscript{194}Ibid.
having a soul makes other persons treat him or her in one way over another? Since Forst’s constructivism is benevolently interpreted as one of the Kantian tradition, this critique presented by Sangiovanni is interesting due to the fact that it questions whether the Kantian tradition can present both sufficient and necessary conditions with ascribing to practical reason and a rational process in justifying a moral claim. The Humean constructivism that Street presents is important to understand since the Humean critique of rationalism is most important when it comes to Forst’s account of practical reason. With this chapter, we can conclude that Forst’s constructivism is more of a procedural character and follows more the Kantian tradition. Opposite to this there is some well-established critique towards this way of understanding the establishment of moral norms. Forst’s account of practical reason is certainly implying that his theory is one of a cognitivist and rationalist nature.

The next chapter will present the result and a further discussion regarding the critical parts of Forst’s theory and what his position is, when it comes to moral epistemology. Likewise, the question of what kind of constructivism he wants to outline will be given an adequate answer.

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195 Ibid.
Chapter 5. How do we acquire knowledge in questions of morality?

For this thesis, I have evaluated Rainer Forst’s justification theory. This final chapter will elaborate on the results and conclusions from unraveling of Forst’s theory. I want to pin point that the conclusions and the results I will present are in no way excluding other assessments of his theory. It is instead a form of “facilitator” for further discussions regarding his justification theory through the lens of metaethics. This chapter will adopt the following structure: firstly, a recap of the research question and aim will be presented, secondly a brief discussion regarding the results and conclusions that can be made, lastly there will be a critique and an alternative to Forst’s justification theory.

5.1 What can be said on this matter?

The research problem for this thesis has been laid out as the idea of whether we can discuss the idea of justifying moral claims and actions without having any knowledge about corresponding facts. More precisely, whether it is possible to justify a moral claim or an action without having knowledge of some corresponding fact, or if one doesn’t need any specific knowledge for doing so. Forst’s theory of justification has been the basis for this thesis assessment. The intention with the questions asked has therefore been to find out Forst’s position in moral epistemology. Firstly, I wanted to ask the question How can we understand Rainer Forst’s theory of justification through a moral epistemology? To answer this question accurately some sub-questions needed to be asked. Therefore, answers were provided for the sub-questions (i) What Forst’s relation to a moral epistemology is? and (ii) What moral epistemology is? Secondly, I have asked the question How can we critically analyze and evaluate Forst’s theory of justification through the framework of Foundationalism and Coherentism? To answer these questions, I have examined two publications by Forst: The Right to Justification from 2011 as well as Justification and Critique: Towards a Critical Theory of Politics from 2013.

If we consider the first question and the two sub-questions they are more of a descriptive nature. Forst’s relation to moral epistemology is one that originates in his understanding of what a justification is. Thus, without trying to answer the question with only a labeling of him or just come to the conclusion that his relation to moral epistemology is one of ambiguity, this relation
is abstract. His theory is not one of ambiguity but an abstract one that go back and forth between on the one hand a political theorist’s idea and on the other one of a metaethical nature. Chapter (3) takes into account the essential parts of his justification theory. The following chapter, chapter (4), takes into account Forst’s relation to moral epistemology and outlines the corresponding framework. When it comes to Forst’s relation to cognitivism and non-cognitivism, he seems to position himself as a cognitivist. He does not deny the fact that it is possible to know something about what is good and what is right in life. However, it is important to understand that Forst’s idea of establishing moral norms does not rest upon any idea about what is good in life. On the contrary, it is one of a deontological character that rests upon the idea about what is right. Hence this deontological character becomes apparent when Forst argues that there’s no foundation other than the one of a principle of justification itself that is required.196

Along with this comes his distinction between the ethical and moral sphere of justification. He addresses the dualistic character as one of the problems arising when doing this kind of distinction. It is a distinction between on the on hand “values “and what is “good” and on the other hand “norms” and what is “right”. Forst means that this distinction is blurred and overlaps. However, for this distinction to do the work it’s supposed to, it has to give his theory a dualistic character between the ethical and moral sphere of justification. Forst, in his attempt to achieve an intrinsically valid theory, can’t discuss anything that would imply a discussion of the “good” when it comes to grounding moral norms. He does this to achieve a foundation for human rights that can be universally binding and at the same time interculturally nonrejectable and hence to make his theoretical idea practically applicable. Moreover, this distinction is hard to explain for the plausible epistemology I have argued that he should adopt; when it comes to the cognitivist approach he can’t deny that it is possible both in an ethical as well as in a moral justification to have knowledge about moral judgements.

It is interesting that he makes the claim that being a moral person means that one has to take responsibility for actions a priori, before it affects other moral persons.197 A priori reasoning is thus something people engage in before partaking into practical discourse. Hence, the a priori reasoning implies that it is not with our intuition or empirical observations that we can know something about moral judgements. Rather a priori reasoning is something that means

196 Forst. The Right to Justification, 7-8.
197 Forst. The Right to Justification, 17-19.
that it is something else, than the observation of empirical facts that can provide us with knowledge when it comes to a discussion of morality. According to Forst, this is the ability to use practical reason for understanding one’s duty to justify. This is a statement that follows the cognitivist as well as rationalist nature of how to justify moral judgements.

To answer the first question, we can understand Forst’s justification theory being cognitivist. This is the first “layer” of how his relation to moral epistemology can be understood. To answer the question of what moral epistemology is: it is the understanding of how or if we can know something in questions of morality and how we then justify it. To answer the second question, we need to assess Forst’s justification theory in relation to coherentism and foundationalism as well as different forms of constructivism. Therefore, we need to ask the question “What kind of constructivism does he wants to achieve?” Forst’s essential idea is that human beings are justificatory by their nature and feel a responsibility towards other human beings as giving reasons for their beliefs and actions.\textsuperscript{198} Forst believes that it is with a reconstruction of Kant’s “categorical imperative” that his justification theory can be founded upon. This is then accompanied by the idea that human beings are rational and autonomous.\textsuperscript{199}

When it comes to the distinction between the ethical and moral Forst attempt to avoid any abstract metaphysical idea of what a good life is, when grounding moral norms. The motivation for not approaching the ethical sphere of justification any further is that is impossible to ask the question “What Should I do?” in every single case one talks about what a good life is.\textsuperscript{200} This is a vague argumentation since avoiding the difficulties with this sort of discussion doesn’t make it disappear. We can conclude that Forst does not deny any implication of knowing something in such a situation, both when discussing the ethical and the moral sphere of justification.

Forst believes that it is possible to construct a “substantive” idea about human rights as specific rights that no one can with good reasons reject other persons.\textsuperscript{201} A substantive idea of human rights would imply that they have a fixed base in reality and that they can be true. Forst proposes that his theory of justification is not something with a “neutral” or objective nature. It is resting upon a constructivism that is presented as a \textit{moral principle of justification}. Thus, instead of being neutral or objective it rests upon a justification of a moral individual right. With

\textsuperscript{198}Forst. \textit{The Right to justification}, 1-2.
\textsuperscript{199}Forst. \textit{The Right to Justification}, 5.
\textsuperscript{200}Forst. \textit{The Right to Justification}, 19.
\textsuperscript{201}Forst. \textit{The Right to Justification}, 5.
this comes the construction of a substantive idea of human rights.\(^{202}\) This is a contradictory line of reasoning. On the one hand Forst argues for a “substantive” idea of human rights, implying that they are true and have a firm base in reality. On the other hand, he argues for a construction of human rights. One can ask whether Forst believes that his assertion that human rights are “not mere constructions” hints at the Kantian tradition of practical reason that is realized.\(^{203}\) When it comes to his relation to coherentism and foundationalism, his is more of a foundationalist when he discusses the idea of a right to justification. He does believe that it is with our practical reason as rational and autonomous human beings that we can justify a moral judgement, along with the criteria of reciprocity and generality. The assertion that human rights are not merely constructed thus seem to hint at the understanding that it is not exclusively the constructivist nature of those rights that exist. It is also the ability to understand them as human rights with practical reason. This is certainly indicating that Forst is a rationalist when it comes to justifying moral judgements and therefore also can be understood as a cognitivist.

Forst’s theory of justification is a constructivist one; it is a form Kantian constructivism. When it comes to moral epistemology, Forst is best and benevolently interpreted as a rationalist. However, his theory is not a pure rationalistic one since he still believes in the discursive practice in constructing human rights. It is not a wholehearted constructivism either. He still believes that it is the cognitive insight into the principle of justification, and that the normative insight moral persons possess is their ability to understand their duty to justify and not with basic rights from anyone.\(^{204}\) Street categorizes Korsgaard as well as Rawls and Scanlon as procedurist when it comes to a characterization of metaethics. This is a view that denies that there are any existing truths about justice that are independent of the procedure.\(^{205}\) Forst believes that it is human beings ability to use practical reason that makes them understand their duty to justify to other human beings. Forst’s constructivism is similar to the one presented by both Korsgaard and Rawls regarding the Kantian nature of it. However, it differs regarding the discursive nature of his theory. Korsgaard and Rawls Kantian tradition is much more individualistic and rest upon the idea that it is the individual person that can find out what is right. In Rawls case, it is under the “veil of ignorance” for example. Forst’s discourse ethic is

\(^{202}\)Ibid.


\(^{204}\)Ibid.

\(^{205}\)Street. “What is Constructivism in Ethics and Metaethics?”, 365.
one that rest upon the idea of interaction and deciding what is right together with other moral persons.

The second question address Forst’s justification theory in the light of a critically evaluation with the approaches of coherentism, foundationalism and constructivism. His basic idea is one of a cognitivist rationalist. However, it is not one of a straight forward rationalism. Forst’s approach is some kind of a rational constructivism. Rational constructivism implies that it is possible to have knowledge about moral judgements and that one’s moral judgement can be either true or false. A problem for Forst when discussing him in the light of contemporary constructivist theories is that Forst does not want to discuss values when it comes to the construction of moral norms. He leaves this discussion about values when he leaves the discussion about ethical justification. Forst does not believe values to be of the moral sphere of justification. So, Forst’s “rational constructivism” is one that only subscribes to norms and questions about what is right. The answer to the second question can best be assessed in relation to the secondary literature and will therefore be evaluated in the next section.

5.2 The Mapping of Forst’s Justification Theory

The second research question has served to evaluate Forst’s theory of justification with a critical assessment regarding the metaethical approaches of coherentism as well as foundationalism. The second research question has also served to evaluate what kind of constructivism Forst wants to achieve with his justification theory. The two features that Smith ascribes to morality, the “objectivity of moral judgements” and the “practicality of moral judgements” is important to mention here. According to Smith both features of morality can be given the attributes of being of a metaphysical as well as a physiological character. 206 When Forst discusses the “features” of morality he is most definitely understood in the light of the “practicality of moral judgements”. This is problematic since he does not want to approach his theory of justification with any metaphysical explanations of moral judgements. Forst means that his theory is based on a priori reasoning when discussing the responsibility of moral persons. The a priori reasoning is hence meaning that moral persons should be able to understand their duty to justify before entering into a discourse. 207 Forst means that the ability to understand this duty a priori

206 Smith. The Moral Problem, 6-7.
207 Forst. The Right to Justification, 17-19.
is with the usage of practical reason. This corresponds to the second feature of morality. Therefore, Forst does along with other theorists that engage in a discussion of moral judgments encounter Smith’s “moral problem” that is, the problem that moral judgments seem to be both objective and have a practical upshot, and thus struggles with this. Especially since Fort does not want to discuss moral judgements as having attributes of a metaphysical or physiological character.

Forst’s distinction between ethical and moral justifications is problematic. It is problematic due to his distinction between “norms” and “values” and the dualistic character it gives his theory. Forst’s moral constructivism is one that approaches only norms to be constructed and excludes any practice of the construction of values. Forst means that this distinction is blurred and overlaps.\(^{208}\) I do not agree with Forst on the account of making a distinction between norms and values when it comes to taking about them in relation to a discursive practice. It is reasonable to agree that it is difficult to justify moral judgements based on the question “What is good for me?” and making them subject to moral norms that no one can reasonably reject. However, if we think about the “procedural character” as well as the “methodological character” of this approach this can be understood in another way. The distinction de facto implies the “how” in thinking about the right. Recall the arguments presented by Street on this matter. The proceduralist characterization is according to Street the understanding of “[…] normative truth as not merely uncovered by or coinciding with the outcome of a certain procedure, but as constituted by emergence from that procedure.”\(^{209}\) Thus if a constructivist then talks about any truths they do not believe it to exist any truths about justice independent of that procedure.\(^{210}\) Forst seems to assume that the question of values does not belong to any discursive practice when he leaves the ethical sphere of justification. He seems to believe that values can be independently existing of human interaction. In apparent contradiction to this, he also believes that moral norms are constructions and dependent on human interaction as well as their ability to use practical reason to be justified. What is the origin of values one can ask if they are not derived from a discursive practice. Are they derived solely from reason? Forst thus assume that they have a form of discursive interaction when it comes to justify them in an “ethical community”. This seems to be an argumentation that aims

\(^{208}\)Forst. The Right to Justification. 213-215.


\(^{210}\)Ibid.
to avoid, among other critiques, the Humean critique on such matters. The Humean critique of rationalism and reason as the maker of moral norms and rules is that reason alone cannot play this role. The “motivation argument” stating that morality is influencing one’s action and affection which means that it can’t be derived from reason. Likewise, reason is according to Hume the discovery of truth and falsehood. If morality is not derived from reason, can we understand it as derived from empirical observations? Figure (1) presents a categorisation of Forst’s approach in relation to both moral epistemology and constructivism. With this summary, the next part of this chapter is a critique and possible alternative to Forst’s justification theory and my own view on the matter.

Figure 1. Taxonomy of Moral Epistemology and Constructivism and “Rationalist Constructivism”.

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5.3 A possible Alternative to Forst’s Justification Theory

In this final section I will propose my account for an alternative of Forst’s justification theory. To begin with Forst can be understood as a cognitivist which means that he does believe that it is possible to have knowledge in questions of morality. This also means that he believes that it is possible to know something about what is right if we have a moral judgment and that the corresponding facts could be either true or false. He is, by assuming a cognitivist view either empiricist or rationalist. I have benevolently interpreted him as a rationalist since he believes that it is the ability of practical reason that makes human beings understand their duty to justify. He believes in a reconstruction of Kant’s categorical imperative and human beings autonomous and rational nature to found his justification theory. This makes him a rationalist.

I will argue in this section that Forst’s current epistemological approach does not work due to several facts. I will argue that Forst adopts an empirical approach in moral epistemology. I see several advantages with proposing this. Firstly, it will correspond to a simple but functioning epistemology and ontology, the later one he is lacking. Adopting empiricism would suggest that there exist observable moral facts. What is right will simply put, be to view the existing fact on the matter. Secondly, Forst’s procedural criteria wouldn’t lose much of their appeal if they were viewed as corresponding to empirically accessible facts, like for example what human beings agree upon, together. This is a simple and a straightforward epistemology for Forst. Thirdly, we want morality to be motivating. Hence when something is right we want to do the right thing. The two criteria of reciprocity and generality in Forst’s theory can guarantee this even if we view them as observable moral facts. They do not need to come from the ability to use practical reason to be motivational. This follows in some way the Humean critique of rationalism.213

The constructivism Forst wants to achieve is aiming at producing norms that human beings de facto want to follow and agree upon. This is existing moral facts if the premise is that this is what human beings agree upon together. Hence, there is no need arguing for a practical reason to be the grounding of morality if it is what human beings can agree upon with the criteria of reciprocity and generality. For example, Forst assumes that morality is intrinsically valid and should not draw its validity from other sources of normative or empirical factors.214

213 See Hume. “Moral Distinctions Not Derived from Reason”.
214 Forst. The Right to Justification, 46.
This does not exclude that morality is existing as well as empirically accessible; it could mean that moral justification rests on human beings’ ability to look at empirical facts and conclude that morality is intrinsically valid and agree upon this through the criteria of reciprocity and generality. Likewise, Forst assumes that dignity is that a person is respected as someone that is worthy of given reasons for actions and norms that affect him or her.\footnote{Forst. \textit{Justification and Critique}, 63.} This also seems like an empirical conception of dignity; it is built on and draws its plausibility from the social norms that people in fact practice.

The first reason that I propose for Forst to take on an empiricist view corresponds to the absence of any discussion of ontology in his justification theory. If he adopts an empiricist view we can argue for that his ontological approach should be one of a robust realism. Moral realism means that moral judgements are propositions about prevailed states of affairs that could be either true or false. Moral judgements are not mere attitudes but beliefs.\footnote{Grenholm. \textit{Etisk teori}, 153.} We can conclude that Forst is an outspoken cognitivist and rationalist and believes therefore that moral judgements exist and are either true or false. Proposing an ontology for this kind of reasoning, moral realism seems to correspond rather precisely with this. Forst wants to have a grounding of morality when he discusses his justification theory. The question comes to mind why he does not develop any further, a discussion regarding both moral epistemology as well as moral ontology when he is just at the boarders of that field and that type of discussion? If we believe that cognitivism is accurate and that moral knowledge do exist and that it exists a moral reality, then it seems to be rather odd to not “build knowledge” that is founded on empirical observable facts. Rationalism presupposes that knowledge exist independently of human interaction and believes that it is the idea of practical reason that makes it possible to have knowledge about moral judgements. Empiricism on the other hand presupposes that it is possible to acquire knowledge “outside” the mental ability if we look at observable empirical facts.

Forst wants to make a grounding of morality that can exist in some kind of a moral reality. If he believes that it exists a moral reality it is odd to assume a rationalism that actually excludes the existence of a reality that presupposes human interaction. So, if Forst is a cognitivist and believes that there exists a moral reality that presupposes a human interaction for grounding morality then it seems most plausible for him to be an empiricist rather than a rationalist. If he adopts empiricism in moral epistemology then it is possible for him to adopt and address a
working ontology which is lacking in his current proposal for a right to justification. If we believe that there exists a moral reality then we should believe that moral realism is true and adopt this approach. Hence believing that there exist a moral reality presupposes that we adopt moral realism. Believing that there exist a moral reality and that human interaction is influential, presupposes that we should adopt an empiricism in terms of moral epistemology. Hence what is right will be to view existing moral facts in an existing moral reality. I do not suggest a moral realism that excludes the interaction of human beings or the constructivism nature of moral judgements. When I speak about a “moral realism” I mean by this that the discovery of what is right can be founded upon the discursive practice that Forst proposes with his two criteria. Moral realism in my view refers to that there exist moral facts if we believe that it exists a moral reality. Therefore, the “discovery” of moral judgements are the epistemology of empiricism I proposes and the “existence” of those moral facts is what moral realism then refers to.217

The second reason that I proposed for Forst to adopt this approach is that his procedural criteria wouldn’t lose much of their appeal. With this I mean that Forst does not lose any of the essential parts of his justification theory. Instead he will have an epistemology that is much more appealing to the idea of “human interaction” and the existence of a moral reality. Thus, if Forst adopt both an empiricism in terms of moral epistemology and a moral realism in terms of ontology he would not undermine his own reasoning, rather the opposite. The third and final reason for adopting this approach is that we want morality to be motivating. This follows the Humean critique of rationalism, that morality is influencing one’s action and affections which means that it can’t be derived from reason. Reason alone can’t possibly have that kind of influence and therefore follows that reason is not the maker of moral rules or norms.218 When something is right a person is motivated to act accordingly. If Forst adopt this approach he will find that it is possible to argue that his criteria of generality and reciprocity can guarantee that we view this as existing fact that is observable. This means that we can establish a grounding

217A classical conception of moral realism states that moral judgements are propositions about prevailed states of affairs that could be either true or false where moral judgements are understood as beliefs. See Grenholm. *Etisk teori*, 153. My perception of moral realism is that it is possible to talk about such things as “prevailed states of affairs” and at the same time talk about a construction of moral norms as those “prevailed states of affairs”. However, when I discuss “construction of moral norms” I mean that it is with empiricism we can “discover” and therefore construct moral judgements to be such “prevailed states of affairs”.

of morality in an existing moral reality that is motivating, not by reason but by the mere existence of moral facts.

Conclusively, my proposal is that Forst adopt empiricism in terms of moral epistemology, and my view of moral realism in terms of ontology. I propose that he leaves the discussion of rationally grounding his morality and approach the moral reality he discusses as something that includes observable, existing moral facts rather than something existing only in the minds of a rational and autonomous human being. So, how can we know anything in questions of morality? My opinion is that we can, if we adopt an empiricism as a foundation for our moral epistemology.

The question of how we acquire knowledge in questions of morality is certainly a tricky one to answer. My proposal is only a suggestion for how we can understand Forst’s account in a different way and give it an understandable and reachable ontology without subscribing to rationalism. This is not a proposal that is absolute on the matter; it can be revised and I’d certainly welcome this. The reason for proposing this approach to Forst’s justification theory is to develop a working ontology and epistemology for his theory that is simple in its formation.219

References


Hare, Richard. “What is Wrong with Slavery?” Philosophy and Public Affairs 8, 1979, 103-21.


