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Exploring Discourse Ethics (1/2)

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Reading and reflecting about discourse ethics: an *embarras de richesse*

Hello again. I fear I have had you waiting for the third of the three announced essays on the practical philosophy of Jurgen Habermas, within my current series of *Reflections on Reflective Practice*. As planned, this third part will deal with the way Habermas employs his language-analytical framework of "formal pragmatics" for "applied" (though still theoretical) topics such as ethics, democracy, and science; but yes, I am running late, later than I have ever been with my bimonthly or (previously) monthly reflection since I started the series in 2003. It's not that I have been lazy but rather, that I have been reading, reflecting, and writing *too much*, exploring so many themes and lines of argumentation around the mentioned "applied" topics that in the end I am suffering from what the French call an *embarras de richesse* – an overload of ideas, arguments, and materials.

Too much is never good. So I have decided to cure the situation by cutting much of the material in question. But then, throwing it away looks like a waste. Why not better use it for a *preliminary* approximation to the difficult subject of discourse ethics, a sort of primer? I invite you, in this and the next *Bimonthly*, to explore some of Habermas' ideas about discourse ethics in an informal, workshop style discussion, as a way to prepare the ground for a more concise account later on. This will be a bit like we did it in the *Bimonthly* of July-August 2009 (Ulrich, 2009c), prior to the first two main essays on Habermas (Ulrich, 2009d and e), except that this time we have so much material to digest and I am not promising you any easy escape into the clouds, ha! We are going to explore a number of conjectures that I find relevant for understanding discourse ethics, regardless of whether in the end they will turn out to be sufficiently well-aimed and specific to earn them a place in our series on reflective professional practice, which, after all, is to be of use to practicing professionals in the applied disciplines – professionals with some philosophical interest and tolerance, to be sure – rather than to philosophers only. Let's try and see.

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For a hyperlinked overview of all issues of "Ulrich's Bimonthly" and the previous "Picture of the Month" series, see the [site map](#)

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Note: This is an exploratory essay *preparing* the announced third part of my introduction to Habermas within the current "Reflections on reflective practice" series. It is not itself part of the series.

Some initial difficulties in exploring discourse ethics

A note concerning references to Habermas' essays on discourse ethics

Habermas has published his major essays on discourse ethics in two collections of 1983 and 1991 (English versions of 1990 and 1993), along with a number of further papers published in earlier and later collections that deal partly with other topics. These collections have appeared in English translations; but neither the titles nor the contents of the collections that appeared in English language are entirely congruent with the German originals. This circumstance makes the attempt to give parallel references to both the German and the English sources a bit cumbersome (for authors) and confusing (to readers), as the collections to be consulted change when in fact one refers to one and the same essay – a disservice that publishers have done to all those readers who like to check translated essays against the original sound.

As a related concern, it would be so helpful if translated scholarly texts would give the pagination of the original sources, so that switching back and forth between translated and original texts would be easier. To help readers at least partly, without giving full parallel references throughout (an equally cumbersome procedure), I have decided to cite Habermas' translated essays on discourse ethics individually rather than giving references to the collections in which they have been published. The following table offers an overview of the titles, relevant collections, and short references for some of the articles concerned.

Table 1: Selected essays by Habermas on discourse ethics
and where to find them

German essay	German collection	English essay	English collection
Diskursethik – Notizen zu einem Begründungsprogramm (1983a; also in 2009)	<i>Moralbewusstsein und kommunikatives Handeln</i> (1983)	Discourse ethics: Notes on a program of philosophical justification (1990a)	<i>Moral Consciousness and Communicative Action</i> (1990)
Moralbewusstsein und kommunikatives Handeln (1983b)		Moral consciousness and communicative action (1990b)	
Treffen Hegels Einwände gegen Kant auch auf die Diskursethik zu? (1991a; also in 2009)	<i>Erläuterungen zur Diskursethik</i> (1991)	Morality and ethical life: Does Hegel's critique of Kant apply to discourse ethics? (1990c)	
Vom pragmatischen, ethischen und moralischen Gebrauch der praktischen Vernunft (1991b)		On the pragmatic, the ethical, and the moral employments of practical reason (1993a)	<i>Justification and Application: Remarks on Discourse Ethics</i> (1993)

Erläuterungen zur Diskursethik (1991c)		Remarks on discourse ethics (1993b)	
Diskursethik und Gesellschaftstheorie: Ein Interview mit T. Hviid Nielsen (2009b, orig. 1990)	<i>Philosophische Texte Band 3: Diskursethik</i> (2009)	Morality, society, and ethics: An interview with Torben Hviid Nielsen (1993d)	
Einleitung zu: <i>Philosophische Texte Band 3: Diskursethik</i> (2009a)		--- (unavailable)	--- (unavailable)
Eine genealogische Betrachtung zum kognitiven Gehalt der Moral (1996a)	<i>Die Einbeziehung des Anderen: Studien zur politischen Theorie</i> (1996)	A genealogical analysis of the cognitive content of morality (1998a)	<i>The Inclusion of the Other: Studies in Political Theory</i> (1998)
Richtigkeit versus Wahrheit: Zum Sinn der Sollgeltung moralischer Urteile und Normen. (2004a; also in 2009)	<i>Wahrheit und Rechtfertigung</i> (expanded ed. 2004, orig. 1999)	Rightness versus truth: on the sense of normative validity in moral judgments and norms (2003a)	<i>Truth and Justification</i> (2003)

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Habermas' missing book on discourse ethics I cannot help the impression that Habermas himself suffered from an *embarras de richesse* when he was writing his major essays on the subject. They look to me partly more like exploratory drafts than systematic accounts of what discourse ethics is all about and what it achieves. They are very often complex and overloaded with details, partly repetitious, full of excursions into arguments of and replies to other authors, lacking systematic structure and intermediate titles, and as a result make it far from easy for the reader to grasp the main lines of the arguments. Habermas may have planned to write a systematic account later on, but never did. Although a similar observation holds true for other parts of his extensive work, the problem is particularly acute in the case of discourse ethics, as his writings on this subject range from 1973 to the present and thus stem from different epochs, use different and partly inconsistent language, and pursue many different lines of argumentation.

This situation may have provided a main motive for Habermas, in 2009, to publish a rather comprehensive compilation of *Philosophical Essays* structured according to the main topics of his work. As Habermas himself recognizes:

Rather than "collected papers" I present a systematically structured selection of essays that must take the place of *unwritten* monographs. I have not written any books about important topics with which my specifically philosophical interests are concerned – neither about the language-theoretical foundations of sociology and the formal-pragmatic conception of language and rationality, nor about discourse ethics, political philosophy, and the state of post-metaphysical thinking. Only with hindsight have I become fully aware of this peculiar circumstance. (2009, p. 7, my transl.)

The compilation consists of five volumes:

- Vol. 1: Language-theoretical foundation of sociology
- Vol. 2: Rationality theory and linguistics
- Vol. 3: Discourse ethics
- Vol. 4: Political theory
- Vol. 5: Critique of reason

There are 41 essays published between 1971 and 2008; in addition, and of particular interest, each tome comes with a new introduction. Unfortunately, the third volume does not unite all the major essays on discourse ethics, in particular, the important essay on "Moral consciousness and communicative action" (1990b) is missing. In any case, so long as the compilation has not appeared in English language, it is of little use to most of my readers, quite apart from the fact that a compilation cannot cure the *embarras de richesse* to which I have referred. I suspect Habermas' writings on discourse ethics would have benefited more than any other part of his writings from a systematic monograph rather than a mere compilation. For the reasons I have mentioned, they pose difficulties to the reader that go beyond the normal difficulties we have come to expect from this author's writings – perhaps the price we have to pay for the ideas and insights they have to offer us, and sometimes also for the stimulating questions they leave open.

Terminological difficulties One more difficulty concerns various terminological problems around the notion of "discourse ethics," issues that I will explain in my main account of discourse ethics in a future (not the next) *Bimonthly*. For my present purpose it is sufficient to say that I basically use the term "ethics" as a metalevel concept, referring to the philosophical study of questions of value judgment in general and moral questions in particular. Inasmuch as the terms "moral" and "ethical" are opposed, I understand by *moral* issues questions that imply a need to decide among competing *ethical* conceptions of the good, that is, clashing forms of life (or "ethical clashes," as I will call them). Using this terminology, "discourse ethics" is basically a *theoretical* effort concerned with *moral* rather than ethical questions, that is, a piece of moral philosophy rather than (as it is frequently misunderstood) a device for operationalizing ethical practice.

An overwhelming number of sources to master Another major difficulty is that Habermas (1990a, b, c; 1993a, b, c, d) introduces discourse ethics by explaining at great length how its "cognitivist," "universalist," "procedural,"

and "formal" perspectives differ from other theoretical efforts, for example, by R. Alexy (1978, 1990), K.O. Apel (1972, 1973, 1975, 1981, 1988), K. Baier (1958), S. Benhabib (1982), M.K. Günther (1988), L. Kohlberg (1981, 1984), P. Lorenzen and O. Schwemmer (1977), A. MacIntyre (1981), J. Rawls (1971, 1985), R. Rorty (1979), M.G. Singer (1961), P. Strawson (1974), S. Toulmin (1970), E. Tugendhat (1984, 1989), A. Wellmer (1991), and B. Williams (1985).

By discussing his ideas in relation to these authors, Habermas aims to show why he believes rational ethics in the tradition of Kant can only be conceived today in terms of processes of learning (ethical cognitivism), of moral universalization (ethical universalism), and of communicative practice (ethical proceduralism) but *not* in terms of substantive presuppositions (ethical formalism rather than normative ethics), and why moreover discourse ethics is better suited than any other ethical theory to explain the moral point of view in such terms (1990b, p. 120). In particular, these premises seem adequate to Habermas because they offer answers to the tide of ethical relativism and skepticism; and discourse ethics is particularly suited to live up to such premises because, for example, its handling of cognitivism is consonant with what cognitive psychology in the tradition of Piaget and Kohlberg has told us about the development of moral consciousness and judgment, and also because its communicative understanding of universalism and formalism opens up new ways to argue moral concerns across cultural barriers (cf. Habermas, 1979b and 1990b).

While insightful in its details and often stimulating the reader's thought by the issues it raises, Habermas' way of proceeding, once again, makes it rather difficult to overview the basic assumptions and aims of discourse ethics, and moreover it creates a difficulty for the majority of readers who are unlikely to be familiar with all the sources he discusses.

An alternative way of proceeding In view of this difficulty, I have decided to take a different road and to offer my readers a personal account that does not follow Habermas in all these directions. Instead, I will try to discuss the major aims and ideas of discourse ethics by situating them directly against the two major frameworks of practical philosophy with which we have already familiarized ourselves in some detail, Kant's framework of rational ethics (of which discourse ethics represents a major reformulation) and

Habermas' own framework of formal pragmatics (of which discourse ethics as I try to understand it is an application and possibly a development).

For those readers who like to get a fuller picture of the way Habermas argues his case for discourse ethics, I planned to include a limited excursion into two major lines of argumentation that one finds in his writings on the subject; "excursion" in the sense that this section was to follow Habermas' writing style of offering "Notes" and "Remarks" rather than a systematic exposition of his own argument. As explained at the outset, I now prefer to offer this excursion as a first approximation and discussion opportunity, separate from my later account. Whether I will ultimately include any portion of this excursion in the main essay may remain open at this point.

As a last preliminary remark, I will follow Habermas in a rather free manner. I will spin my argumentative thread by letting Habermas inspire us rather than following him slavishly. Where I do not give references to Habermas, you may assume I do not or only remotely follow the details of his argumentation; however, I will still try to remain true to the spirit and aims of his thinking about ethics. Let's go.

Two basic arguments for discourse ethics

In this preliminary attempt to overview some of the arguments for discourse ethics, I suggest to outline two main lines of argumentation that I find in Habermas' diverse accounts. They concern:

- (1) The need for a communicative turn of rational (or cognitive) ethics; and
- (2) The need for reviving moral universalism in a world of ethical pluralism.

Conforming to the exploratory rather than systematic intent of the present essay, the first argument comes in two versions, whereby the second version picks up where the first version ends but does not necessarily depend on it. Not only the content but also the mood of the two versions will be different, as in the second version I'll invite Habermas to join in and have a (fictitious) discussion with us, as another way to bring his ideas a bit closer to the readers.

The argument for a communicative turn of rational ethics (Version 1)

Kant's cognitive turn of ethics Kant's identification of the moral force with the "good will" of a mature person confronted him with a problem: what was the ultimate source of a good will? Why should people want to act morally? He answered the question in a revolutionary way: because we want to have reason (or good grounds) on our side, rather than entangling ourselves in contradictions or being convicted of lacking rationality. For a mature, enlightened person, the will to be good (the moral force) ultimately resides in our will to be reasonable and self-legislating (autonomous and responsible) rather than being directed by mere inclination, authority, custom, or religion (cf. Ulrich, 2009b, esp. p. 13). Ever since, it has been a key idea of practical philosophy that moral questions can and should be decided "with reason," that is, by relying on the force of argument rather than on any non-argumentative force. Or, as we summed up the motto of Kantian ethics earlier: "Let arguments decide, not authority!" (Ulrich, 2009b, p. 36) Accordingly we nowadays speak of "rational ethics" or, as Habermas prefers to say, of "cognitive ethics" or ethical cognitivism.

Ethical cognitivism considers processes of thought and learning (cognition) to be constitutive of what Kurt Baier (1958) has called the "moral point of view," a stance of equal consideration and respect displayed by a morally mature agent for the dignity and integrity of all other people who may be concerned by her actions or claims. A cognitive understanding of the moral point of view means we believe that we can systematically examine and discuss the norms or principles of action that guide us, in an effort to live up to this standard of equal respect for all concerned. In this sense we can say with Kant that normative claims admit of *good reasons*, that is, rational deliberation and assessment.

A *caveat* is in order. Ethical cognitivism is often defined as the proposition that normative statements or claims have a *propositional content* or at least can be said to be right or wrong "in terms of the readily available model of propositional truth" (Habermas, 1990a, p. 52). However, such a definition is prone to being misunderstood. It might be misread as suggesting (and many people do read it in this way) that practical statements can be justified rationally *inasmuch* as they have a propositional content, that is, assert or

imply some factual statements or observations about the world. This is not how Kant understands cognitive ethics, not any more than Habermas (to whose notion of the cognitive character of ethics we will turn in a moment). While it is correct to say that practical statements do as a rule assume some factual conditions to be true, it would be wrong to conclude that the need and potential for justifying them rationally is limited to their propositional content. That would amount to an attempt to explain (and ultimately, to justify) normative claims in the empirical terms of theoretical reason rather than in the genuinely normative terms of practical reason, that is, in Kantian language, by examining the *practical dimension of reason* that is constitutive of them. It appears more adequate, therefore, to associate ethical cognitivism simply with *rational* ethics – the assumption that normative claims can be considered "right" or "wrong" in a *genuinely practical* rather than merely theoretical sense. Speaking of normative "rightness" rather than "truth" avoids the implication that practical questions allows of rational justification in as much and *only* in as much as we can translate them into questions of theoretical reason.

By conceiving of practical reason as a second dimension of reason *sui generis*, Kant was (to my knowledge) first to adopt ethical cognitivism. However, his conception of ethics is in one important respect less fundamentally cognitive than our contemporary conception: the central role he gives to an agent's "good will" places lower demands on the agent's cognitive abilities than those we tend to associate with rational action today. While it was still possible for Kant to assume that ordinary agents could overview the entire scope of their actions, we can no longer rely on such an assumption, as the effects of our actions may reach far beyond the contexts of action that ordinary actors can claim to overview. "Today, good will and good judgment no longer converge so easily." (Ulrich, 1994, p. 33) Hence, the moral point of view today puts higher cognitive demands on what Habermas calls "rational motivation," the will to decide practical questions on the basis of argumentatively supported "good reasons." It follows that Kant's cognitive turn needs to be developed further. This is what discourse ethics as I understand it is all about.

Habermas' understanding of cognitive ethics As Habermas (e.g., 1993b, p. 29) puts the issue, cognitive ethics assumes that moral judgments – claims

to normative rightness – can be shown to be right or wrong in close *analogy* to the way in which judgments of fact – claims to knowledge – can be shown to be true or false, which is not the same as saying they can be justified *inasmuch* as they have propositional content; it does not imply that we reduce practical to theoretical questions. The crucial idea, we remember (cf. Ulrich, 2009d, pp. 9-12, esp. Table 2), is that the normative (or "regulative") content of *validity claims* lends itself to rational argumentation no less than their propositional (or "constative") content; both are indispensable parts of the universal *validity basis of speech* (1979a, pp. 2 and 5; 1984, pp. 99 and 137f). This is the idea Habermas means to refer to when he uses (at first glance surprising) formulations such as "practical questions admit of truth" (1975, p. 111; 1990a, pp. 43 and 51f) or "normative claims to validity are analogous to truth claims" (1990a, p. 56, and 1990c, p. 197; similarly p. 68, 1993b, p. 29; 1998, p. 38; 2003, pp. 238, 243f and 247-249; and 2009a, p. 26), or when he describes claims to moral rightness as being "truth-like" and having an "epistemic meaning" (1998a, p. 39), or moral argumentation as having "epistemic force" (1998a, p. 45).

Let us make sure we understand what Habermas means. We need to free ourselves from the traditional correspondence theory of truth, according to which truth consists in "correspondence" (agreement) with empirical evidence or "facts." This is obviously not Habermas' notion of "epistemic" force. Even within the realm of theoretical reason, formal pragmatics makes it clear that propositional claims can only be validated discursively. "Facts" are not things we can point at but rather, statements that we can assert or deny *argumentatively*. There is no difference in this respect between claims to empirical truth and to moral rightness; both can only be justified through discourses that live up to the requirements of cogent argumentation.

But the conditions for argumentative justification remain different. Unlike what is the case with theoretical propositions, discursive agreement about a moral claim not just *points* to empirical conditions of which we need to assure ourselves outside the discourse (e.g., through controlled observation or experimentation) but actually *creates* the conditions of the claim's validity, in the sense that the claim is shown *through the discourse* to be worthy of recognition. Thus the process of argumentation itself, and nothing else, can and needs to make sure that adequate conditions obtain for the justification of a moral claim (1998a, p. 38, similarly p. 42). In Kantian

terms, practical reason is the "stronger" dimension of reason, which is what Kant meant when he proclaimed the "primacy" of practical over theoretical reason. Practical reason does not need to "observe" Nature (the phenomenal world of experience) in the double sense of obeying and recognizing its laws but is free to establish its own moral laws or principles. To use Habermas' formula of the "epistemic" meaning or force of moral judgments, we might say that moral argumentation is "epistemologically" stronger than theoretical argumentation in the sense that it can establish its own conditions of justification. The reverse side of the coin, however, is that its insights do not enjoy the backing of Nature but depend for their force on the good will and rationality of human agents:

It is part of the cognitivist understanding of morality that justified moral commands and corresponding moral insights only have the weak motivating force of good reasons. (Habermas, 1993b, p. 33)

The "epistemic force" of moral argumentation is thus a double-edged sword. Moral argumentation is strong and weak at the same time; strong in that it only depends on the free will of people; weak in that what it can justify lacks the ontological connotation of informing us about "the" objective world of nature but at best takes on the deontological meaning of committing us to some norms regulating "our" social world of society.

One may wonder, accordingly, whether assigning to moral claims a "truth-like" or "epistemic" character does not blur these differences at the same time as it is meant to remind us of the shared validity basis of moral and propositional claims in "good reasons." I prefer, therefore, to speak simply of the cognitive content (or meaning, force) of moral statements, whereby "cognitive" means as much (or little) as "arguable," that is, being capable of – and simultaneously, in need of – being buttressed argumentatively by reference to good grounds or reasons (i.e., reasons that others can share). Habermas captures it all with the following description of cognitivist moral theories in the tradition of Kant: they all assume that

Moral judgments have cognitive content. They represent more than expressions of the contingent emotions, preferences, and decisions of a speaker or actor. Discourse ethics refutes ethical skepticism by explaining how moral judgments can be justified. (1990b, p. 120).

Habermas' references to truth and epistemic content are then in essence metaphorical ways of describing the central implication of ethical cognitivism, namely, that moral statements allow and need discursive

validation no less than theoretical statements. A statement or claim is "true" or has "epistemic" meaning to the extent we can define and redeem its conditions of justification in argumentative terms. Truth, once we have purified it of all connotations of "correspondence," is just a special case of validity, as is normative validity:

What unites these two concepts of validity is the procedure of discursively redeeming the corresponding validity claims. What separates them is the fact that they refer, respectively, to the social and the objective worlds. (Habermas, 1998a, p. 38)

It should then be clear what Habermas means when he assigns a cognitive or epistemic status to moral statements. What remains to be shown is how exactly we may hope to justify claims to *moral* validity argumentatively.

Moral justification: from an observer's or participant's perspective? Kant's answer, of course, consisted in the *categorical imperative*. We can rationally justify moral judgments, he explained, to the extent we can generalize or "universalize" them, that is, imagine everyone else would act accordingly, without entangling ourselves in contradictions. That is, despite formulating the idea of moral universalization as an imperative, he actually understood it as a *justification principle* (cf. Habermas, 1990c, p. 197). He recognized in it the one genuinely practical principle through which practical reason could unfold moral force (i.e., settle normative conflicts) yet remain general (i.e., universally applicable) and rational (i.e., tie morality to rationality, or moral sense to good reasons). Practically speaking, he required a moral agent to put herself in the places of all others concerned and then to consider whether she could still want the claim in question to be accepted universally.

Against the background of what we have just said about Habermas' understanding of ethical cognitivism, it is obvious that this Kantian conceptualization of moral validity in terms of a fictitious "exercise of abstraction" (Habermas, 1993b, p. 24) does not look entirely satisfactory. It translates what is fundamentally an issue of *interpersonal* practice into an effort of *individual* reflection. Therein consists its value, but also its limitation, both as a theoretical explication of the *moral point of view* as such (i.e., of what moral claims, if valid, mean) and as a methodological basis for ensuring moral practice.

What Kant's construction of moral justification in the terms of a categorical

imperative neglects is that the social world to which moral justification refers is fully accessible only from a *participant's* perspective. The categorical imperative puts the agent in the situation of an observer; and implicitly, it puts all those who may be affected by the action in question in a situation of observers, too. This does not justice to the ontological difference we observed above, with Habermas, between the objective world of observable phenomena and our social world of interpersonal relationships and interactions.

Habermas' communicative turn of cognitive ethics A much more natural way to "universalize" the principles guiding our actions would therefore seem to be through *communicative practice*, that is, by relying on the interactive means of *dialogue* rather than on individual reflection only. Theoretically speaking, that would situate the task of moral justification in the intersubjective setting in which it arises – clashes between the subjective value preferences of actors – rather than in an abstract conception of the self-tribunal of reason. Practically speaking, it would moreover avoid many of the difficulties of Kant's approach; I am thinking, for example, of the limited reflective skills of people, as well as of their limited empathy for the situation of others, in some cases even a complete lack of moral sense. A dialogical approach does not entirely depend on the reflective skills of agents, along with their good will and moral sense. Instead, it can rely on all those concerned and assign to them the task of informing or, where necessary, challenging the agents' claims to rightness, by voicing their concerns authentically.

Already in *Theory and Practice*, Habermas had taken up Hegel's (1802) famous critique, according to which Kant, by conceiving of morality in terms of the autonomous and "pure" good will of an abstract, reflecting individual rather than in terms of the social relationship of communicating individuals, turned morality into an empty formalism. "Kant expels moral action from the very domain of morality itself." (Habermas, 1973, p. 150) Hegel, and with him Habermas, overstated the point – we have seen in an earlier *Bimonthly* (Ulrich, 2009b, pp. 16-21) that the categorical imperative does take up the central intuition of reciprocity in human interaction – but it is clear that moral questions are of a fundamentally intersubjective nature. It is thus indeed difficult to see, in theory as well as in practice, why we should deal

with moral questions in a basically monological rather than communicative mode. In his seminal first essay of 1983 about "discourse ethics," Habermas accordingly argued the need for a *communicative turn of cognitive ethics*:

If we keep in mind the action-coordinating function that normative validity claims play in the communicative practice of everyday life, we see why the problems to be resolved in moral argumentation cannot be handled monologically but require a cooperative effort. By entering into a process of moral argumentation, the participants continue their communicative action in a reflective attitude with the aim of restoring a consensus that has been disrupted. Moral argumentation thus serves to settle conflicts of action by consensual means. Conflicts in the domain of norm-guided interactions can be traced directly to some disruption of a normative consensus. Repairing a disrupted consensus can mean one of two things: restoring intersubjective recognition of a validity claim after it has become controversial or assuring intersubjective recognition for a new validity claim that is a substitute for the old one. Agreement of this kind expresses a *common will*. If moral argumentation is to produce this kind of agreement, however, it is not enough for the individual to reflect on whether he can assent to a norm. It is not even enough for each individual to reflect in this way and then to register his vote. What is needed is a "real" process of argumentation in which the individuals concerned cooperate. Only an intersubjective process of reaching understanding can produce an agreement that is reflective in nature; only it can give the participants the knowledge that they have collectively become convinced of something. (Habermas, 1990a, p. 66f)

Note, first of all, that Habermas is talking about moral theory, not about moral practice; that is, the reference to "real" processes of argumentation is to be understood as a *theoretical* device for explaining the idea and nature of moral judgment. To say it more accurately, the theoretical device is to be the Toulmin-Habermas model of argumentation that we have discussed earlier (see Ulrich, 2009e, pp. 8-39). By contrast, Kant's theoretical device of a monological conception of cognitive ethics risks missing the essentially *cooperative* nature of ethical practice from the outset. To be sure, the idea is not that we should disregard the role of individual moral reflection but only, that we cannot adequately conceive of moral reflection unless it is informed and facilitated by exchanges with others. The aim remains to explain how in matters of moral concern, we can reach "an agreement that is *reflective* in nature." (1990a, p. 67) Reflection and communication support one another. Neither can replace the other. In particular, reflection *on behalf* of others, in an attempt to act responsibly towards others, cannot replace the effort of giving them an opportunity to articulate their concerns *authentically*.

One need not read Habermas to see that the cooperative nature of morality is contained in the very concept of moral "responsibility," regardless of whether we understand it monologically or communicatively: acting

"responsibly" has something to do with "responding." Only secondarily, where the circumstances render cooperative exchanges impossible – for example, if those concerned are unable to be present and/or to articulate their needs, or they are unborn, or I don't know who they are and where to find them – is it up to me as a moral agent to decide and act *on their behalf*. But even then I still "respond" to them in a virtual way. This is the communicative core of the moral idea which the categorical imperative captured ingeniously, although due to the lack of discourse theory, it could not implement it with dialogical means.

The step from communication to discourse I have referred to the need for a "communicative" rather than "discursive" turn of cognitive ethics so far, as we are concerned with the basic idea of theoretically situating the process of moral justification in the social world of interpersonal relationship in which it originates practically. This is the social lifeworld of everyday communicative practice. But of course, communicative practice is not an ideal world. People raise all sorts of claims, and most of these claims clash. The moral issue of what is the right way to act risks at all times boiling down to who is right, in the mere sense of who can impose his views upon others. We therefore need to take the communicative turn of ethics one step further, from ordinary communicative practice to rationally motivated *discourse*. After all, Habermas' interest in cognitive ethics is part of his quest for communicative rationality.

Communicative rationality demands that whenever communicatively coordinated practice risks breaking down, we take the crucial step from communicatively secured *coordination* of action to communicatively secured *reflection* about what endangers cooperative action (Ulrich, 2009d, p. 20). By switching to rationally motivated discourse, the participants step back from pursuing their interests and adopt a reflective mode in which they focus on the moral question of identifying rationally supportable claims. Discourse is the vehicle that maintains communicative practice when due to different conceptions of what is good and right, it risks breaking down. It can achieve that by applying as a standard the principle of moral universalization as it is contained in the categorical imperative, though now in a discursive way.

A communicative conception of ethics thus prompts us to recognize the close link between the moral and the rational of which Kant first admonished us.

Kant, of course, could not formulate this link with the theoretical means of discourse theory and therefore had to devise a thought experiment that could monologically *simulate* a communicative testing of moral universalization. The result was the categorical imperative, a test of the *universal communicability* of moral claims, as Silber (1974, p. 217) describes it aptly. But of course, such a simulation at best allows us to *suppose* we have managed to place ourselves in the situation of all the other parties and to understand how they *might* respond *if* they could. Without actual communication according to the rules of rationally motivated discourse, we cannot actually *know* whether they would concur with the result of our thought experiment. Thus, when it comes to the principle of moral universalization, we will for ever have to speak in the subjunctive mood.

Habermas prefers the constructive mood of formal pragmatics to the subjunctive mood of Kantian reflection, as it were. He finds it necessary to reformulate the idea of moral universalization so that it becomes a discursive rather than merely reflective effort of testing a norm's universal communicability. As one of Habermas' most important translators and commentators, Thomas McCarthy, summed up the point in an early but still accurate way:

Rather than ascribing as valid to all others any maxim that I can will to be a universal law, I must submit my maxim to all others for purposes of discursively testing its claim to universality. The emphasis shifts from what each can will without contradiction to be a general law, to what all can will in agreement to be a universal norm. (McCarthy, 1978, p. 326)

Habermas referred to this apt remark of McCarthy in one of his earliest characterizations of what he described as a "procedural" or "cooperative" reinterpretation of the categorical imperative:

From this viewpoint, [...] the universality principle does in fact entail the idea of a cooperative process of argumentation. For one thing, nothing better prevents others from perspectively distorting one's own interests than actual participation. It is in this pragmatic sense that the individual is the last court of appeal for judging what is in his best interest. On the other hand, the descriptive terms in which each individual perceives his interests must be open to criticism by others. Needs and wants are interpreted in the light of cultural values. Since cultural values are always components of intersubjectively shared traditions, the revision of the values used to interpret needs and wants cannot be a matter for individuals to handle monologically. [(Habermas, 1990a, p. 67f, with references to McCarthy, 1978, and Benhabib, 1982)

Habermas thus argues his case for a communicative turn of the categorical imperative by explaining its relevance regarding two key aspects of the

social lifeworld: the importance of participative processes of will-formation on the one hand (1) and the importance of culturally conditioned value differences on the other hand (2). Both arguments merit a brief comment.

Re: (1). By pointing to the need for *actual participation* of the parties concerned, Habermas makes it clear that the point of a discursive reformulation is not just argumentation but also, and perhaps primarily (the matter is disputed in the literature around discourse ethics), participation. Reflection may provide a basis for argumentation but can at best simulate, not realize, participation. Moreover, participation matters regardless of the participants' argumentative skills; a conjecture that does not fit in well with the rather one-sided emphasis that Habermas puts on the demands of rational *argumentation* as compared to those of democratic *participation* (cf. Ulrich, 1983, pp. 167f, 301f, 309f, 312f). Hence, I would argue, the difference that matters when we move from moral reflection to moral discourse is not just that we can recast the idea of moral universalization in the form of rules of cogent argumentation; we must also turn those concerned into active participants. To put it differently, I suspect that ultimately, with a view to real-world practice, it is not in the first place the need for argumentation but the need for participation which requires us to take the step from a reflective to a discursive model of moral universalization.

Re: (2). By pointing to the *cultural embedding* of moral judgments, Habermas does not of course mean to mobilize against Kant any kind of ethical relativism. Rather, if I understand him correctly, his point is this: as moral agents, we cannot and need not from the outset *abstract* from all the individual views and values that we have acquired through our socialization and which are rooted in the cultural traditions of which we are a part. We only need to make sure we do not *impose* particular interests at the expense of suppressing generalizable interests (cf. Habermas, 1975, pp. 111-117; Ulrich, 1983, pp. 149-151). It seems to me Habermas here departs a bit from Kant's concept of practical reason: Habermas does not suggest that practical reason should be "pure" of all individual interests but only that we should submit the consequences of our pursuit of individual interests to all others, and consequently should consider it as "rationally justified" only to the extent it meets with the approval of all the parties concerned. The objection that has been raised against Kant since Hegel (1802), namely, that Kantian ethics is "purely" (sic) formalist and empty and therefore does not help us in

identifying any concrete norms of action as morally defensible, is thus at least partly met: moral agents are no longer supposed to abstract from all personal values and interests but only to submit the consequences to the test of universal communicability. The moral "purity" of our intentions cannot reasonably be an *a priori* formal requirement for participating in discourse but only its outcome. The shift in moral theory from transcendental philosophy to formal pragmatics – from *a priori* concepts of practical reason to general pragmatic presuppositions of argumentation – conforms to such a reading of discourse ethics.

Preliminary conclusion This concludes the first version of the first main line of argumentation that I suggested we should explore, concerning the way Habermas argues his case for what we might call a *strongly cognitivist* understanding of rational ethics and its *communicative turn*. This is how I tend to interpret the main thrust of the argument as far as we have considered it up to this point:

1. *Discourse ethics* is a moral theory that aims to explain the nature of moral reasoning.
2. *Moral reasoning* is about rational assessment and resolution of *ethical clashes*.
3. With his *categorical imperative*, Kant formulated the fundamental principle that allows us to handle ethical clashes rationally, the *principle of moral universalization*. It is the fundamental principle of practical reason.
4. Although formulated as an imperative, Kant actually understands the universalization principle as a *justification criterion* for moral claims.
5. Thus understood, the universalization principle implies a strong *cognitive*, or we might say: *argumentative kernel*; a kernel that is as important today as it has ever been as a stronghold against ethical relativism and skepticism.
6. However, Kant's formulation of the principle of universalization puts the moral agent in the situation of an *observer*, and the other parties concerned in a situation of dependency on the agent's good will and reflective skills. This does no longer respond to our contemporary notions of a free and participative society, in which concerned citizens demand being treated as *participants* rather than just as observers.
7. Nor does it respond to the increased complexity of our world, which is due to at least two circumstances: first, the *consequences of our actions* reach beyond the contexts of action that we can assume

everyone to survey and to judge adequately; and second, there is an increasing *pluralism of forms of life* and conforming ethical conceptions.

8. For both reasons, *moral theory* today should conceive of moral questions from a *participant's perspective*. It should therefore translate the reflective form of the categorical imperative into the communicative form of discourse ethics. A communicative turn of rational ethics is in order.

This first line of argumentation leads us on to further issues. For example, how can we explain and strengthen the cognitive basis of practical reason through processes of learning and socialization? How can we in the first place recover the stronger concept of practical reason that Kant still shared with Aristotle but which has been narrowed down in modernity to a merely instrumental (i.e., technical and purposive-rational) notion of practical rationality? And finally, how can we come to terms with the cultural and ethical pluralism of our epoch?

In the second half of this exploration of some basic ideas of discourse ethics, in the next *Bimonthly*, we will start with the topic of the lost Aristotelian concept of practical reason and explore some ways to understand and strengthen the cognitive foundation of morality today. I will invite Habermas to join us for a (fictitious) discussion of this issue, and he will explain to us the ways he draws on the works of Peter Strawson and Stephen Toulmin to this end. (By contrast, Habermas' [1990b, 1993c] use of Kohlberg's work will only be considered in the later main essay on discourse ethics, given that we have already discussed Kohlberg's work in the context of our Kant discussion [Ulrich, 2009b]). Subsequently, we will turn to the second main line of argumentation that I have proposed at the outset, and will consider how a contemporary concept of practical reason may come to terms with the increasing diversity of forms of life and the ensuing ethical pluralism and relativism of our epoch.

See you in May, alligators.

(to be continued)

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March-April, 2010



Exploring discourse ethics: argumentative buds and clouds

Do „practical questions admit of truth”?

(Jurgen Habermas, 1990a, p. 43)

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