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Exploring Discourse Ethics (2/2)

[HOME](#)
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[PUBLICATIONS](#)
[READINGS ON CSH](#)
[DOWNLOADS](#)
[HARD COPIES](#)
[CRITICAL SYSTEMS](#)
[HEURISTICS \(CSH\)](#)
[CST FOR PROFESSIONALS](#)
[& CITIZENS](#)
[A TRIBUTE TO](#)
[C.W. CHURCHMAN](#)
[LUGANO SUMMER SCHOOL](#)
[ULRICH'S BIMONTHLY](#)
(formerly Picture of the Month)
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[A NOTE ON PLAGIARISM](#)
[CONTACT](#)
[SITE MAP](#)

The argument for a communicative turn of rational ethics (continued)

This edition of the *Bimonthly* continues the preparatory exploration of discourse ethics on which we embarked in the last edition (see Ulrich, 2010a). The idea is to explore two more approximations to this difficult topic. First, I will continue the argument for a *cognitivist conception of ethics, communicatively turned*, with somewhat different means, by inviting Habermas to join us in a fictitious dialogue. This format allows for a more informal style than ordinary academic writing, and thus (I hope) may make Habermas' thinking a bit more accessible.

Second, our exploration will turn to the issue of how we can conceive of moral reasoning in today's world of ethical pluralism and relativism. This issue should allow us to familiarize ourselves with one particular aspect of discourse ethics that is most important for understanding and appreciating its aims, as well as for seeing its practical limitations, I mean its underlying *moral universalism* – the idea that moral claims hold universally or are no moral claims at all. It's a difficult position to maintain nowadays, one that I do not share unreservedly but which Habermas believes is indispensable. In this respect, as in many other respects, discourse ethics follows the path of rational ethics first explored by Immanuel Kant (1786, 1787; cf. our previous detailed discussion in Ulrich, 2009b). It will therefore be useful to return once more to some of Kant's seminal ideas and to see discourse ethics in their light. However, we will start this second half of our exploration with a short glimpse back at Aristotle.

The argument for a communicative turn of rational ethics (Version 2)

A frequent objection to the idea of rational ethics has to do with doubts about the reach of reason. Reason is able to justify the efficacy of means with a view to given ends, the argument says, but it cannot justify the ends themselves. This sort of doubt has been articulated from many different

◀ Previous | Next ▶

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Note: This is the second half of an exploratory essay in preparation of the announced third part of my introduction to the practical philosophy of Habermas, within the current "Reflections on reflective practice" series.

philosophical positions, ranging from logical positivism and critical rationalism to post-modernism. It stands in opposition to a richer conception of practical reason that originated in the *Nicomachean Ethics* of Aristotle (1976, 1985, cf. Ulrich, 2009a) and culminated in Kant's rational ethics (cf. Ulrich, 2009b). To be sure, for Aristotle it was still the *polis* rather than critical reason which ultimately determined what was virtuous and right; but he was the first philosopher to give practical reason its own, genuine rationality, which distinguished it from theoretical reason and pointed the way to Kant's later notion of "pure" practical reason.

Recovering the practical dimension of reason In *After Virtue*, Alasdair MacIntyre (1981) offers an interesting account of the historical changes that led to the loss of this richer conception of practical reason and thus led to our contemporary doubts about the possibility of cognitive ethics.

To Aristotle, practical reason was the faculty that allowed men to understand the human *telos* (i.e., finality) and potential of unfolding their true, virtuous nature or, as MacIntyre puts it, *man-as-he-could-be-if-he-realized-his-essential-nature* as distinguished from *man-as-he-happens-to-be* (1981, p. 52). "Ethics is the science which is to enable men to understand how they make the transition." (1981, p. 52) Aristotle's concept of practical reason is thus teleological but not merely instrumental, for it also instructs us about the *telos* itself. Due to its roots in the traditions of the *polis*, Aristotelian reason could still inform us about both what our true ends were (an issue of practical reason) and how to reach them (an issue of theoretical reason). But with the advent of religious conceptions of morality in medieval times and with the subsequent *de facto* failure of the Enlightenment project, things changed. Reason lost its power of determining both virtuous ends and virtuous courses of action leading toward them:

Anti-Aristotelian science sets strict boundaries to the powers of reason. Reason [now] is calculative; it can assess truths of fact and mathematical relations but nothing more. In the realm of practice therefore it can speak only of means. About ends it must be silent. (MacIntyre, 1981, p. 54)

Against this disempowerment of reason, and citing MacIntyre's account of it, Habermas (1990a, pp. 43-57) advocates the need for maintaining, with Aristotle and Kant, the conception of rational or "cognitive" ethics and, implicitly, the notion of a genuinely practical form of reason that supports it. With MacIntyre, Habermas is not prepared to accept the idea that reason is

merely calculative. That would leave us with "an instrumental reason restricted to purposive rationality [that] must let its ends be determined by blind emotional attitudes and arbitrary decisions" (1990a, p. 43, with unspecific references to MacIntyre and M. Horkheimer). It would, if I interpret Habermas (1990a, pp. 52-55) correctly, amount either to some form of ethical intuitionism, which constructs ethical propositions according to the model of intuitive knowledge (i.e., theoretical reason) and thereby loses sight of the concept of practical reason from the outset, or else to ethical emotivism or decisionism, which both narrow practical reason down to instrumental reason:

- *Ethical intuitionism* understands moral judgments, along with all other kinds of normative statements, as an expression of intuitive ethical knowledge in which we recognize an action or situation to be "good" in much the same way as we recognize a table to be "yellow"; that is, we grasp ethical qualities analogously to the way we perceive the properties of things (Moore, 1903), prior to and without the need for any kind of rational deliberation or argumentation.
- *Ethical emotivism* assumes that all normative statements, including moral judgments, express an emotional stance rather than a rational validity claim and thus cannot be argued to be right or wrong; we can describe them empirically (e.g., psychologically) but not justify them philosophically.
- *Ethical decisionism* sees in moral judgments acts of volition that belong to a nonrational domain of merely subjective value judgments grounded in cultural, ideological, and psychological conditions rather than in generally (e.g., cross-culturally) defensible reasons; and ultimately,
- *Ethical skepticism* quite generally assumes an agnostic position – we never know that any moral claim is true or right in any definitive sense.

All these noncognitivist conceptions of ethics are unable "to explain what it might mean for normative propositions to be true" (Habermas, 1990a, p. 56). They can therefore not be regarded as an adequate basis for moral theory. There would be no rational grounds to maintain the idea that reason unfolds not only through theoretical (empirical, instrumental) but equally through practical (normative, moral) reasoning. We would consequently have no way to promote ethical practice except by *appealing* to the good will and virtuousness of people. We might be able to explain why a certain way of

acting is right for us individually, but *not* why someone else (much less, everybody) *ought* to consider it right. It would then be difficult to advance any rational grounds for moral claims, as the only rational way in which we can hope to resolve ethical clashes. We must therefore maintain that "moral judgments have cognitive content," in the sense that "they represent more than expressions of the contingent emotions, preferences, and decisions of a speaker or actor." (Habermas, 1990a, p. 120). This is what cognitive ethics is all about.

Cognitive ethics: communicative rather than communitarian ... Up to this point, Habermas agrees with MacIntyre's quest for recovering the practical dimension of reason. But Habermas does not want to follow MacIntyre's plea for a return to the Aristotelian tradition of an ethics of virtue or to some neo-Aristotelian "communitarian" version of it. He clearly prefers (although he does not say it so directly) to salvage the option of *cognitive* ethics by giving it a *communicative* rather than *communitarian* twist. A communicative turn replaces the normatively charged *telos* of conducting a good and virtuous life according to the traditioned values of the *polis* – the communitarian core of Aristotelian ethics – with the procedural rather than substantive aim of mutual understanding. As the reader will remember, formal pragmatics has shown this aim to be an unavoidable element of the general pragmatic presuppositions of argumentation, presuppositions that we have also described as *general symmetry conditions* of rational speech (Ulrich, 2009d, p. 23). To be sure, these presuppositions are not free of all a normative content; for example, we may understand them to embody the utopia of a peaceful and rationally motivated settlement of conflicts. However, this normative content is minimal in the sense that the presuppositions in question are built into the deep structure of language, which means that they are involved in all attempts, across all cultures and epochs, to coordinate people's actions communicatively. Whatever the specific values of a community may be, a communicative rather than communitarian approach to ethics maintains that the only enlightened way to settle normative conflicts is by allowing people to argue their concerns freely rather than subjecting them to the non-argumentative rule of tradition and power.

... with a renewed teleological core While we are sufficiently familiar with that part of Habermas' argument and need not repeat it, a different aspect emerges here: situating discourse ethics against the background of

Aristotelian and communitarian ethics sheds a new light on Apel and Habermas' proposition of a linguistic *telos* of mutual understanding. Suddenly, the "formal-pragmatic" postulate of an in-built finality of language looks like a distant remnant of the stronger teleological element in Aristotle's practical philosophy, an element that Kant had meant to eliminate from his concept of (pure) practical reason. Neither Apel nor Habermas has to my knowledge explained the postulate of a linguistic *telos* in this way. Particularly when it comes to its importance for a communicative turn of cognitive ethics, this circumstance is hardly surprising, as their notion of morality is deontological rather than teleological (i.e., morality is about what we – all of us – *ought to* do in principle rather than what we may wish to achieve in a particular context of action). Even so, I find it interesting to observe that their linguistic framework effectively reintroduces into Kantian ethics a hint of Aristotelian teleological reasoning.

Between the lines, we read this message: the *telos* of mutual understanding embodies the minimum teleological orientation that enables practical reason to recover its own, genuine rationality, so that even under contemporary conditions of cultural diversity it may still do the trick and instruct us about proper ends of practice – of *intersubjectively* good practice, that is. In this minimal sense, then, the "modern" suspicion mentioned at the outset turns out to be correct: rationality means reasoning for, or towards, *some* finality. But of course, practical reasoning hardly differs from theoretical reasoning in this respect. What separates the two forms of rationality is only the different nature of their finalities – knowledge and instrumental know-how in the case of theoretical reason, mutual understanding and cooperative action in the case of practical reason.

A fictitious discussion with Habermas We have thus far followed Habermas only roughly. Formulating things in our own words, and following up conjectures that offer themselves, may help us in understanding a difficult author. Just repeating things more or less literally does not secure learning. At the same time, however, it is also important to make sure we give an authentic account of Habermas' ideas, lest we comment on ideas nobody actually holds. Particularly when it comes to criticism, critical comments that are not grounded in an accurate and fair account are meaningless. So, we always need to keep a balance between these two means of learning. Perhaps we should invite Habermas to join our discussion for a while? As I know

from my own encounter with him, he is such a friendly, amiable person! Let us imagine he joins in at this point:

„Hello everyone, thanks for inviting me to join your discussion. What I've heard you saying about MacIntyre's plea for a revival of Aristotelian practical reason is quite interesting. But of course, I am not exactly a communitarian and I hope I have made that sufficiently clear in my writings. If you agree, I would prefer to pursue the argument for a renewed cognitivism in ethics in one or two other directions, say, with considerations inspired by analytical philosophy, linguistics, and argumentation theory rather than by neo-Aristotelian thinking. Or, to offer you an alternative, I also find it important to connect moral theory with the phenomenology of the moral, that is, with the way we actually experience moral phenomena in the social lifeworld. It gives us a chance to discover the cognitive foundation of moral experience. Likewise, I find it useful to draw on developmental psychology in the tradition of Piaget and Kohlberg, we can learn so much from it about the kind of cognitive skills and competencies involved in moral judgment, and about how these skills grow in our childhood through processes of learning and socialization.”

„All options sound interesting,” you (the reader) may want to suggest; „but since you give us a choice, why not pursue a new track of argumentation that we haven't encountered thus far? We have already familiarized ourselves a bit with the ideas of Piaget and Kohlberg earlier on, and also have examined the argumentation theory of Toulmin though not in its application to ethics, so perhaps you could first tell us something about the way you apply it to ethics and then, if time remains, we might take up the "moral experience" track you mentioned?”

„Yes, fine. To begin with Stephen Toulmin's work on argumentation theory, it is important to me also in the realm of ethics. Since you are already familiar with it, I can be rather brief on this and we can then dedicate a bit more time, I would suggest, to Peter Strawson's (1974) work on the phenomenology of the moral. You know, Strawson is a fine analytical philosopher, especially as a theorist of ordinary language, but he's also a Kantian scholar interested in moral theory and even in transcendental philosophy. I have therefore found it very meaningful to draw on his work, as a source that adds some interesting elements to my argument for a cognitivist foundation of discourse ethics.”

Drawing on Toulmin „Let me situate the first argument a bit, I mean the argument drawing on Toulmin,” Habermas suggests, „by relating it to Kant's rather than Aristotle's notion of practical reason. Kant is the philosopher of Enlightenment. An enlightened notion of practical

reason relies on the idea that *the court of reason*, rather than the church or the *polis* or any other authority, is to provide the 'highest tribunal' of what is true and right. So it is clear that from a Kantian perspective, we must see in the disempowerment of practical reason subsequent to Aristotle – *After Virtue*, I am tempted to say with MacIntyre (1981) – a consequence of what medieval scholasticism and modernity have made of it, rather than an inherent limitation of our rational faculties to merely 'calculative' questions of purposiveness. In the scholastic age, MacIntyre would probably say, reason had to be powerless in matters of ethics because all power regarding the proper way to live was laying with God. In the age of science, I would add, practical reason has to be powerless because the limits of the rational have become identified with those of the scientific. But the idea of practical reason, and with it the notion of rational ethics, is bound to become meaningless if in the first place we refer all ethical questions to an external (divine or other) authority that does the reasoning for us, so that all that remains to us is an act of faith; likewise, it becomes meaningless if we first situate it within the bounds of theoretical reason, so that science and theoretical or instrumental reason are *by definition* the proper tools to guide us.”

„To put it differently: from an argumentation-theoretical point of view it is pointless to reduce practical to instrumental reason, for these two kinds of rationality address different questions; questions that complement rather than replace one another. Rational ethics addresses questions that do not in the first place concern either purpose-rational action (i.e., matters of theoretical-instrumental rationality) or acts of faith related to one's individual form of life (i.e., matters of personal ethos); rather, it addresses questions that concern the *interpersonal consequences of our ethical choices and actions* (i.e., matters of moral defensibility or tenability). Such questions are of a 'cognitive' nature not only in the trivial sense that they require from us some knowledge or anticipation of empirical consequences (an issue of theoretical reason) but also in the more specific sense that they compel us to judge these consequences. They require us to examine the extent to which we can make an argument for the normative claims and consequences involved (an issue of practical reason). 'To say that I *ought* to do something means that I *have good reasons* for doing it' (Habermas, 1990a, p. 49) – reasons in the Kantian, moral sense of practical reason. To deny the existence of practical reason would mean we deny the possibility of *any* standards by which we might reasonably assess the moral acceptability of our actions; it would imply a stance of total moral nihilism.”

Declaring the death of practical reason is besides the point „But proposing the death of practical reason, after first depriving it of any standards of morality and thereby reducing it to merely instrumental reason, is (to use Toulmin's phrase) *besides the point*. The question is

not whether practical reason exists but only, what we make of it, that is, what intersubjectively acceptable standards of rationality (or reasonableness) we want to associate with it. The conception of the *moral point of view* (Baier, 1958) provides an essential clue: it defines a perspective from which we can indeed judge moral claims reasonably, namely, by assessing their consequences against a *genuinely intersubjective* standard such as reciprocity or, more specifically, impartiality.”

„Let me continue this thread a little further,” Habermas continues after pausing for a moment. „What I've just tried to explain is a crucial point for me. For as soon as we understand practical questions from a thus-understood moral point of view – a moral perspective tied to the *standard of impartiality* – they gain what I call a *cognitive* meaning, in that they now relate to a validity basis that we can defend or challenge argumentatively. To that precise extent,” Habermas adds emphatically, „we may say that 'practical questions admit of truth', that is, the answers we give can be shown to be right or wrong.” (1975, p. 111; 1990a, pp. 43 and 51f)

„Yes, but ... hmm ... may I try and reformulate what you just said a little bit, if you don't mind, to help us understand?” I ask, slightly puzzled. – „Feel free.” – „Isn't it so that strictly speaking, 'practical questions' do not really demand evidence for truth, they demand reasons for rightness, right? So what you say is that inasmuch as we consider practical questions from the moral point of view, we can discuss about them with *genuinely practical reasons* – reasons that we can argue but which are not of a theoretical or instrumental nature. The crucial point, then, it seems to me, is not truth but argumentation: we can and need to advance reasons for rightness *just like* for truth. So, could I redefine your statement by saying that 'practical questions admit of *reasons*'?” – „You could!” Habermas replies with a nod of assent, and offers the following explanation.

Ethics as argumentation theory „You have complained that in my writings on discourse ethics, I discuss so many different sources. One reason why I find this useful is that all those contemporary moral theorists in the tradition of Aristotle and Kant on whom I draw, among them Kurt Baier (1958), Marcus Singer (1961), John Rawls (1971) and, most important to me, Karl Otto Apel (1972, 1975), share one central intent. As I wrote in my 'Notes' on a program of philosophical justification for discourse ethics, they 'all share the intention of analyzing the conditions for making impartial judgments of practical questions, judgments based solely on reasons.' (1990a, p. 43) There you go.... It makes sense to me indeed to understand discourse ethics as a *special theory of argumentation*, as I suggested in the 'Notes' (1990a, p. 44); a theory of *impartial* argumentation about the

specific kind of normative issues that we designate moral questions. How can such arguments be cogent, what role can *reasons* can play in them? To clarify this issue I draw on Toulmin's (2003, orig. 1958) seminal work on argumentation theory: More precisely, I draw on the way I have adopted Toulmin's work in my formal pragmatics. Obviously the communicative turn of ethics, too, comes into play through this argumentation-theoretical approach. It all boils down to this: discourse ethics is an attempt to explain, *via* a communicative reading of the *moral point of view*, how moral theory can be recasted in the form of an analysis of moral *argumentation*." (cf. Habermas, 1990a, p. 57)

„You mean, discourse ethics is simply a specific kind of argumentation theory? Specific in that it aims to explain the old concept of practical reason in new, argumentative terms?“ – „That's right. Practical reason is the idea that we can respond to moral questions, no less than to theoretical questions, *with reason*. That is, not just emotionally or with subjective preferences, but by advancing reasons that others may share, reasons of a specific kind. They must have a cognitive content that can be argued to be right or wrong, that's why they cannot just be emotions or personal value preferences, subjective acts of faith or 'decisions', and so on. We must be able to substantiate them, that is, to explain why they *deserve* recognition by others across all differences of needs and interests, worldviews and values. Discourse ethics examines what kind of reasons these can be and how we can hope to justify them. You see, once we have clarified this issue, we can then apply Toulmin's general model of substantive argumentation, or the way I have adopted it in formal pragmatics. Thus discourse ethics provides the *missing link* between the 'old' concept of practical reason and the 'modern' concept of a pragmatic logic of substantive argumentation.“

Drawing on Strawson „But let us now turn to the second argument. It takes up an analysis offered by P. Strawson (1974) of the nature of moral phenomena as we encounter them through personal *moral experience*, and it finds this experience rooted in a *cognitive foundation* (cf. Habermas, 1990a, pp. 45-50, and 1993b, p. 39f). To understand this cognitive foundation, we need first of all to understand why moral experiences are so important to us. It is because they originate in 'that complicated web of attitudes and feelings which form moral life as we know it' (Strawson, 1974, p. 24) and on which depend not only our experiences with others but also our feelings and attitudes towards ourselves (1974, p. 6). I am thinking, for example, of feelings and attitudes such as individual confidence and mutual trust; of the ability to take a cooperative attitude and also experience it on the part of others; of feeling free to express oneself authentically, of seeing oneself as a participant rather than observer; and so on.“

„When this web of mutual *normative expectations* and attitudes gets disrupted, we feel cheated, powerless, speechless: our cooperative attitude is questioned, communicative practice is at peril. We suddenly become observers rather than participants, albeit emotionally injured rather than calm and objective observers. Conversely, when we ourselves violate this web of expectations, we experience feelings of guilt or bad conscience, observing our own behavior as it were. These emotional responses are the moral phenomena we are talking about. They point to *unresolved moral issues* – issues of reciprocity and fairness – which may endanger or disrupt this finely woven web of social expectations. That explains why they often raise in us strong feelings of *indignation*; a sense of unfairness, of personal insult and injury. If the situation is not cleared up, it may result in lasting resentment.”

„Accordingly important it becomes that we can repair the damage – avoid lasting resentment, regain a sense of mutual goodwill – by articulating our feelings. That may make us feel better, but more importantly, it allows and at times challenges those concerned to explain and excuse their ways of behaving, so that we may *understand* and resolve the issue. For example, it helps if we understand that those who violated our expectations 'had no choice' to act differently or 'did not know' about certain aspects of the situation; or conversely, if we can explain and excuse ourselves by pointing out, where necessary, that we were 'not aware' of how others see an issue or 'did not mean it that way', and so on. That may bring into play *a sense of objectivity* and paradoxically, precisely through this sense of objectivity, may help us recover *a sense of unimpaired intersubjectivity*, so that we can be participants once again.” (cf. Strawson, 1974, pp. 7-10; Habermas, 1990a, pp. 45-48)

From moral phenomena to practical discourse „You may wonder why I am saying all these things about our emotional responses to goodwill or its absence, as Strawson (1974, p. 7) describes them. Much of it is commonplace, and I am not a psychologist after all. Nor is Peter Strawson a psychologist. His interest is of a linguistic nature, as is mine. One important point is that the unresolved moral issues of which these responses are an expression have to do with the loss of that essential sense of unimpaired subjectivity about which I have just been talking; or linguistically speaking, with the *loss of a shared validity basis of speech*. Unless it can be reestablished, communicative practice risks breaking down. Formal pragmatics has taught us that in such moments, what matters is that those involved are prepared to *redeem* their claims with reasons that everyone can accept of their own free will:

The fact that a speaker can rationally motivate a hearer [...] is due not to

the validity of what he says but to the speaker's guarantee that he will, if necessary, make efforts to redeem the claim that the hearer has accepted. It is this guarantee that effects the coordination between speaker and hearer. (Habermas, 1990a, p. 58f)

Communicative practice depends on such a validity basis. This is no news. The only thing that is new is that the meaning of 'redeeming' has changed. We now need a specifically *practical* kind of reasons with which we can justify normative claims. There must be such reasons, for as I put it earlier:

To say that *I ought* to do something means that I *have good reasons* for doing it. (1990a, p. 49)

But what kind of good reasons allow us to justify normative claims? Strawson's analysis points to the kind of reasons we need. They should help us in reestablishing the sense of unimpaired intersubjectivity that has been lost or is at peril. Why is it at peril? Because someone has disrupted the finespun web of mutually cooperative attitudes and expectations. Someone has put egocentric motives first, has in some way instrumentalized the good will of others for his own purposes. Our emotional response to such situations is of a moral nature, and the same holds consequently true for the cognitive basis of argumentation we are searching. This is where I locate the *crucial link between moral phenomena and communicative rationality*. The way Kant already tied the moral to the rational thus appears in a new, communicative light."

The validity basis of practical discourse „Ah! Thank you, Professor Habermas, I think we are beginning to understand. The cognitive foundation of morality is the *conditio sine qua non* for your communicative turn of ethics, because only so can we hope to identify a specifically *moral*, yet *general* validity basis of practical discourse, right? So, if we want to understand that validity basis, the next and crucial question must be: What kind of 'good reasons' can justify a moral claim?"

„Exactly. As I've said earlier, discourse ethics finds the validity basis of normative justifications in a reinterpretation of the *moral point of view* in discursive terms. Remember the basic idea is that from a moral point of view, we try to judge things *impartially*, so as to do equal justice to all. 'Equal justice' means not that we treat everyone the same but rather, that we treat everyone with equal consideration and respect, with *fairness*. You might ask, why should we rely on just this one criterion of impartiality, isn't that arbitrary? The point is, impartiality in this sense of fairness is the only standard of which we can safely say that it supplies a genuinely practical *and* at the same time a truly general reason. It has normative force, yet embodies a standard to which everyone can appeal at all times, for it is truly 'suprapersonal' (Habermas, 1990a, p. 48) – the very contrary of any

attempt to impose merely egocentric, particular, nongeneralizable interests, or to instrumentalize people in any way. It is what Kant's categorical imperative was all about.”

„The other basic idea that comes into play with the communicative turn of ethics is that impartiality is now a matter of discourse rather than just individual reflection. We switch from an observer's to a *participant's perspective*, but the aim remains the same. We still want to assure ourselves that the norm or principle informing our action – or with Kant, the maxim guiding us – is one we can defend publicly, if we are challenged to justify it. The only way we can make sure this is so is if we have reason on our side, in the form of the one and only 'good reason' that nobody can doubt: we do equal justice to everyone concerned. The norm on which we rely could be everyone's norm: its consequences are fair to all. And how do we make sure this is so? By submitting our personal reasons (or motives, if you want) to the scrutiny of the other parties concerned. Reasons that survive the discourse (provided it is a discourse regulated by the general pragmatic presuppositions of formal pragmatics) are those which come close to embodying a generalizable norm in the sense of impartiality or fairness. In this way, the moral point of view enriches and completes the 'universal validity basis of speech' with a genuinely practical (read moral) moment. We have gained a general validity basis that allows us to explain how, in principle, normative judgments can be justified discursively.”

So what? „The result is what I would call a 'presuppositional justification' (1990a, p. 82) of the *moral point of view, cognitively interpreted and communicatively turned*. In plain language: the only perspective from which we can hope to decide rationally about normative claims is a thus reconstructed moral point of view. It is the *conditio sine qua non*, as you suggested – or in Kantian terms, the condition of the possibility – of practical discourse. Discourse ethics explains why this is so, and what it means in terms of argumentative conditions and principles. Indirectly, discourse ethics thus becomes a moral theory that explains the nature of morality in the terms of a special theory of argumentation. But excuse me, I have been talking for quite a while ... I have someone waiting for me, may I let you continue on your own?”

„Yes of course, thank you very much, Professor Habermas. It has been very interesting to listen to you! I think we have learned a lot that will help us in better understanding your ideas about discourse ethics. For example, I think you have made us appreciate, through your account of Strawson's work, why moral theory is so important for your project of a communicative rationalization of society. It is, as Strawson helps us to understand, because unresolved moral issues undermine the basis

for communicative practice, and thus for communicative rationality. As a second major example, I think what you've said about Toulmin's work throws an interesting new light on the crucial link that Kant established between the moral and the rational. Kant's notion of practical reason is alive, we can still learn about new facets of it and we still cannot do without it. But I don't want to prolong, you must go." – „Don't worry, I have a couple of minutes left, go ahead.”

A brief summary and reply „I think you have made us appreciate two basic points. First, to understand what moral judgments and claims mean, we need to understand how we can *argue* them – your argumentation-theoretical turn of moral theory (and thus, of practical reason). And second, to understand how we can argue about moral questions, we need to understand how the general pragmatic presuppositions of argumentation that you explain in the terms of formal pragmatics translate into specific criteria for *moral* argumentation, if any such criteria are available at all – the missing link between the idea of practical reason and Toulmin's model of substantive argumentation on the one hand, and your quest for a communicative rationalization of society on the other hand.”

„Yes, so what did you hear me saying about such specific criteria?”
Habermas encourages me to conclude the point.

„Well, in addition to the presuppositions of *substantive* argumentation that you have derived from Toulmin's model of argumentation, and also in addition to the basic linguistic *telos* of mutual understanding that you have worked out together with Apel, it seems to me you have drawn our attention today to at least two specific requirements of moral discourse. On the one hand, we have learned how important it is that we conceive of morality from a *participant's* rather than an observer's perspective. If you allow me to say it with my own words, moral argumentation is not only about arguments, as it were, but also about turning those concerned into participants. Taking them seriously, that is. This is a specifically moral dimension of communicative rationality to which we may need to give more attention than it has traditionally received in Kantian ethics, I suspect; perhaps also more attention than you have given it in formal pragmatics thus far? Taking people seriously, that is, *regardless* of how good they are at arguing their case. I fear adequate participation and cogent argumentation may at times be in conflict (an issue that has interested me in my work on critical heuristics). On the other hand, and perhaps in partial response to this concern, I think we are beginning to grasp the special role of the *viewpoint of impartiality*, or what Baier has called the moral point of view. Not all the people concerned can always become involved, and not all involved are argumentatively skilled. Participation is good, but impartiality is better, you make us understand, for it makes sure the

outcome of a moral discourse is sound regardless of whether all those concerned are present and get heard. When it comes to moral questions, complete and equal participation of all those concerned may have to remain an ideal, but examining the arguments of those involved against the standard of impartiality is always possible, right?"

„So,” I conclude, „if you'd ask me to sum up what I think I have learned today about discourse ethics, it seems to me that in essence it tries to explain morality in the terms of a theory of *impartial* argumentation. May I put it this way? It's not a formula that I find in your writings, but it seems to capture what you've told us today. Or does it miss what you meant to tell us?” – „No, it doesn't. In fact, this way of putting the idea of discourse ethics leads directly to another important concern that I associate with it, I mean my attempt to revive Kant's moral universalism. You may want to have a look at this issue, it may provide another chance for you to familiarize yourself with the aims of discourse ethics. But now I really have to run.” – „Thank you very much again!” – „You're welcome. Bye now!”

[End of fictitious dialogue]

The argument for reviving moral universalism in a pluralistic world

Two basic options When we face the kind of ethical clashes that we designate moral questions, we have no choice but indeed, to make a choice. We can either decide in favor of what is *good for some of those involved*, or we can search for a shared notion of what is *equally good for all those concerned*. The first option implies that some of those concerned will benefit and others will not. Those in a position to control things will usually make sure they benefit. The second option implies that we apply some standard of fairness that does equal justice to all. All the parties concerned will (ideally) get a chance to argue their concerns and in the end, to agree or not depending on whether they find the outcome fair. Inasmuch as actual involvement is not feasible, those involved can at least apply that same standard to reflect and argue on behalf of those affected but not involved. So much for the two basic options, to which Habermas in other contexts (especially of action theory and social theory) also refers as the two ideal types of strategic vs. communicative action. Real-world practice, to be sure, will often involve a mixture of the two pure types. In addition, the "second best" option of responsible (i.e., not merely strategic) though monological (i.e., reflective rather than communicative) action also plays a relevant role in practice, although it has no place in Habermas' typology (I'll subsume it under

communicative action).

The implication of this basic choice is clear. Unless we wish to act merely strategically, we have no choice but to take a moral stance and to pursue it by both dialogical and reflective means. The general question with which formal pragmatics deals, the question of what communicative rationality means – of how we can identify and substantiate it – then translates into the more specific question of what it means to act rationally with a view to doing equal justice to all, rather than just pursuing our own advantage: How can we identify and justify the "communicatively" (rather than just strategically) rational quality of the way we deal with normative issues? This is what discourse ethics is to add to formal pragmatics: it needs to explain the conditions under which communicative practice could effectively be shown to be moral.

The universalistic thrust of communicative rationality The "equal justice to all" or "equally good for all" requirement mentioned above points to the difficulty in question. It not only functions as a warrant of impartiality, it also stands for the *universalistic thrust* of all rational ethics, and thus of all moral claims that we wish to associate with communicative action. Communicative rationality cannot arbitrarily exclude from participation anyone who may have something to say on a validity claim at issue. Discourse about moral claims makes no exception. Equal justice is either equal justice *to all*, or it is no equal justice *at all*. Moral justification therefore implies a claim for warranted *universal* assertability or, as we said earlier with Silber's (1974, p. 217) apt phrase, for "universal communicability" of moral judgments.

One might argue that under modern conditions of ethical pluralism, a standard of universal assertability is illusory. But the alternative is unclear; it risks becoming a door opener to moral skepticism. Accepting moral skepticism is a choice, too, one that we cannot justify any better than the quest for moral justification: it implies that the stronger is "right," that is, we give up any basis for communicatively rational practice. Without an effort to give morality its genuine place in our notion of rationality, strategic rationality is the only form of rationality that remains on the agenda. *Without morality, no communicative rationality.*

From the perspective of communicative rationality, our epoch's increasing

diversity of forms of life and value systems has paradoxical consequences indeed: the more ethics becomes a personal matter, the more urgently we need *some* interpersonally shared, moral standards that *arguably* deserve general recognition, yet the less easily available are such arguments. The more ethics faces us in the plural form, the more we need a unifying moral standard. Thus the link between the moral and the rational of which Kant first made us aware becomes more important than ever. *With the rise of ethical pluralism, rationality and moral universalism move closer together.*

Kant is alive and well: we cannot think and act rationally without some *universal* notion of right and wrong. To the extent we can identify such a universal right or wrong, we can employ it as a standard for judging and justifying our own actions and those of others. That is, we gain a *moral principle* – a perspective that allows us to take a personal *moral stance*. We have, then, no choice but confronting the question of moral justification. How can we define and use some universal notion of right and wrong to decide rationally between clashing normative claims? To prepare us for discourse ethics, I find it useful to return once more to Kant.

Moral justification and the viewpoint of impartiality Ever since Kant, the core idea of moral justification has been the pursuit of *impartiality*: we can judge and justify our actions, Kant taught us, by asking whether they treat all the people concerned *equitably*. We may ask, in particular, whether our actions treat everyone with equal respect for their personal dignity, integrity, and needs, which also means they do not instrumentalize some people for the ends of others only. To the extent an action lives up to this standard we can, following Kant, consider it as being morally tenable or "justified," or as we say in everyday language, as "fair" or "just." There are at least three ways in which we may interpret the meaning of this "justified" from an everyday perspective – in terms of rationality (1), of intuition (2), and of mutually granted freedom of judgment and will (3).

Re: (1) – The link to rationality The concept of impartiality is important because it explains the crucial nexus between the moral and the rational. Unlike other ethical issues, questions of impartiality are of a strictly *intersubjective* nature and for this reason also allow of intersubjective deliberation and decision making. While we have no rational basis to say that anyone's form of life is as such right or wrong, we can very well examine

whether that person's actions live up to the moral requirement of considering the concerns and interests of others in an impartial way. Kant's solution to the problem of moral justification – the way he ties the moral to the rational – rests on this ingenious *uncoupling of moral questions from ethical questions*: only with regard to the interpersonal criterion of impartiality can we say that ethical positions are "right" or "wrong" and thus can be "justified" at all. Unlike all other kinds of ethical questions, which allow us to maintain a basically egocentric perspective, moral questions demand that we take the perspectives of others and remain impartial with respect to them; what is more, all the parties concerned can see and examine for themselves whether the answers we give to moral questions – the norms that guide our actions – are indeed impartial. This is what we mean when we speak of *the moral point of view* (Baier, 1958): it is the *viewpoint of impartiality*, as the only, and therefore universal, perspective from which we can rationally argue and decide about conflicting normative claims.

Re: (2) – The link to everyday intuition In addition to allowing us to tie the moral to the rational, the concept of impartiality has the advantage of remaining close to our everyday intuition of what moral morality is all about: moral *justification* is about a *just* solution of conflicts. A "just" solution, as we already noticed, is one that does equal "justice" to all the parties concerned. It can be demonstrated to be equitable, unbiased, fair, neutral, not siding with or against anyone. It is a solution that "every impartial spectator would approve" (Smith, 1795, p. 78, cf. pp. 100 and 343) and which for this reason may be argued universally.

Our intuitive notion of impartiality is closely associated with the methodological core idea of *moral universalization* – the idea of universal arguability. Kant builds on the intuitive character of a thus-understood moral perspective when he takes it for granted that every ordinary citizen of good will is indeed able to submit his maxims of action to the test of moral universalization. The "categorical imperative" depends on this basis in everyday intuition for unfolding its moral force.

But there is a second, related yet slightly different sense in which the Kantian notion of moral universalism remains close to our everyday intuition of what morality is all about. We have previously referred to Strawson's (1974) analysis of the connection between everyday moral experience and the web

of mutual expectations, of attitudes and feelings, on which we depend for cooperative practice in our everyday social lifeworld. It is when others disrupt this web and thereby undermine the basis for cooperative practice that we experience moral indignation. Intuitively we understand that they put their private agenda first and thus claim for themselves an *exception* from those attitudes of reciprocity and fairness on which we all depend. It is the universalistic thrust of this "we all" that makes the breach of the moral principle so outrageous. We need not first attend a philosophy course to know that we all depend on this one basic standard of integrity that we call moral behavior – behaving towards others the way we could everyone else want to behave towards us. Our indignation about those who violate this standard tells us we know this, and so does our own bad conscience when we ourselves violate the standard.

Re: (3) – The link to freedom For Kant, the ultimate basis of moral justification lies in the idea of *freedom*, by which he means the autonomous use of our reason free from external constraints. "By 'the practical'," Kant (1787, B828), wrote in the *Critique of Pure Reason*, "I understand everything that is possible through freedom." If I want to act reasonably in the sense of practical reason, I must want to be free and indeed, cannot help but assume that I am indeed free. This is different from the realm of theoretical and instrumental reason, in which I need to observe and obey the laws of nature. As we have said earlier (Ulrich, 2010a, p. 9f), practical reason is in this respect "stronger" than theoretical reason. It is free to create its own laws or principles, although it cannot of course ignore or violate the rules of nature:

Although moral principles of reason can indeed give rise to free actions, they cannot give rise to laws of nature. Accordingly, it is in their practical, meaning thereby their moral, employment, that the principles of pure reason have objective reality. (Kant, 1787, B835f)

The implication is that the moral principle is grounded in freedom and cannot exist without it. I can act morally only inasmuch as I am free. The basic mood of morality is "I will," not "I must." This holds true also for the way I treat other people: I cannot consider others as rational and morally responsible persons unless *they* can judge and act freely. I must thus make every effort I can to support their free exercise of reason. There is something unconditional about this link between a person's inner and outer freedom of judgment and her ability to take a moral stance. As human beings, we can

only build a solid basis of mutual trust – that is, of mutual attribution of responsibility as well as rationality in the sense of practical reason – by granting one another such freedom, in the double sense of (a) attributing to each other the good will of using whatever freedom we possess to act according to the moral principle and (b), of also limiting our own use of freedom accordingly, so that we do not take away other people's freedom of moral judgment and action. The moral principle is the only principle that can give "objective reality" to the idea of freedom and thereby also to the free exercise of practical reason (Kant, 1787, B836).

Hence, as rational agents we cannot help but presuppose that we are indeed free to act according to principles that we choose ourselves, for the sole reason that we recognize them as being equally just to all those concerned. To Kant, freedom in the sense of autonomy of judgment and will is therefore the ultimate source of the moral force. We cannot wish to act "with reason" and at the same time deny our potential to judge and act autonomously. Because we all have this potential, though perhaps to a varying degree (depending on our moral maturity), we can indeed take a moral stance – more than that, we recognize the absolute necessity of taking a moral stance, as any other stance undermines the very foundation of the free use of reason. As Kant concluded from his inquiry into the source of the moral force in the *Groundwork of the Metaphysic of Morals*:

Thus the question "How is a categorical imperative possible?" can be answered inasmuch as we can define the one presupposition that makes it possible: the idea of freedom. The fact that we can understand the unavoidability of this presupposition is quite sufficient for the practical employment of reason, that is, for convincing us of the validity of the imperative and of the moral principle in which it is grounded. We cannot hope to prove its validity any further, this is beyond human reason; but we can understand its consequence: we cannot act reasonably without presupposing that we have free will, and then acting accordingly. (Kant, 1786, B124; my considerably simplified transl.)

More precisely, we not only need to presuppose that we have free will but also that others respect it. Conversely, we cannot expect them to do so unless we respect *their* need for the free exercise of reason. There is this core idea again, of reciprocity of respect and consideration, which appears to be a universal element in all conceptions of ethics across all cultures and epochs and which we also found to lie at the bottom of Kant's principle of moral universalization (cf. Ulrich, 2009b, pp. 15-21). To Kant, the moral idea is indeed rooted in mutual respect for the intrinsic freedom of will of *all* human beings. This is why it translates into the methodological requirement of

moral universalization and why in addition it is so important for Kant to conceive of a *moral agent* in terms of an autonomous, universally good will.

Morality within the bounds of reason: Kant's answer to ethical pluralism

In consequence of what we just said about the link between morality and freedom as well as about the other two links, it became necessary for Kant to emancipate not only the moral agent but also the *moral idea* itself from the traditional bounds of local custom, politics, and ethics (e.g., concerning the notion of a virtuous way of life) that Aristotle had still taken for granted. The same holds true for the bounds of religion and for the authority of the church, which medieval scholasticism had put in the place of the Aristotelian *polis*. Instead, Kant concluded, it was necessary to ground morality, along with religion (two ideas that at his time were difficult to separate), within the bounds of reason alone:

So far as morality is based upon the conception of man as a free agent who, just because he is free, binds himself through his reason to unconditioned laws, it stands in need neither of the idea of another Being over him, for him to apprehend his duty, nor of an incentive other than the law itself.... [For] whatever does not originate in himself and his own freedom in no way compensates for the deficiency of his morality. (Kant, 1794, p. 3, first two sentences of the Preface)

The circles closes: the roots of morality in mutually granted freedom of will lead us back to the intrinsic link between morality and reason.

Conclusion: Kant's "categorical" moral universalism If we now ask: How can we defend the moral principle and its universalistic thrust against the tide of ethical pluralism and relativism? then the answer has to lie in the intrinsic connections of the moral idea to each of the three aspects of morally justified practice that we have considered:

1. *Unconditional respect for the autonomy and integrity of others:* We cannot expect others to act responsibly without attributing to them the ability and will to act morally; accordingly, we must not only respect but indeed promote the autonomy and integrity of all those whom we want to act morally.
2. *Our ordinary moral intuition:* We cannot remain indifferent to the disruptions of the social web of mutual attitudes to which our moral feelings point; for such disruptions undermine the basis for cooperative and rationally justified practice.
3. *The moral roots of consistent reason and cogent argumentation:* We cannot disregard the moral principle – with its demand that we do not

exempt ourselves from what we expect from others – except at the price of sooner or later entangling ourselves in argumentative contradictions, and thereby losing the advantage of having reason on our side.

All three requirements hold unconditionally or, as Kant prefers to say, *categorically*. That is, we cannot claim any exemption from them, say, by referring to the particular situation at hand or to our particular form of life or cultural tradition. If we do claim an exemption, we thereby undermine the only basis there is for moral practice – *unconditional* respect for the moral stance of doing equal justice to all. Therein consists, ultimately, the "justification" of the moral idea. It is, as Kant made clear, a justification of a practical (or as Habermas would say, formal-pragmatic) rather than theoretical kind. We are *theoretically* free to behave immorally; but *practically*, we cannot expect others to treat us with the respect and fairness on which all cooperative practice depends unless we take the same moral stance towards them. It is, as George H. Mead (1934, p. 380f; cf. Ulrich, 2009b, pp. 31 and 35) said so well, "a practical impossibility."

The first of the three conditions is most fundamental to Kant. The other two are of a derivative or auxiliary nature only but have the advantage of revealing themselves to all of us in everyday practice. We can observe and experience them in everyday discussions among friends, at work, in politics, in newspaper articles, by listening to people in the street or on the bus, and so on. No particular philosophical sophistication is required to see that disregard for them not only undermines the experience of unimpaired subjectivity that carries cooperative practice but also leads us into weak, because inconsistent, argumentative positions; and furthermore, that this is so across all ethical or cultural differences. And since in our supposedly rational epoch, we all like to have reason on our side – no one likes to be convicted of lacking rationality – I suspect that the third basis of justification, the deep link between morality and rationality, may under current "modern" conditions show itself to be the strongest. Practical evidence, too, suggest that the moral roots of consistent reasoning and cogent argumentation can actually move things on and induce change towards more equitable conditions, if only we dare to stand up and argue our moral concerns. The encouraging circumstance is that moral concerns (unlike immoral ones!) do indeed lend themselves to consistent reasoning and cogent argumentation.

The example of "banking secrecy" In our earlier, detailed review of Kant, in the *Bimonthly* of March-April 2009, we found that Kant's notion of morality translates into a powerful standard of moral reasoning, one that is truly universal: the requirement that when it comes to normative issues, we reason and argue consistently. As an example, we briefly (only in a footnote) considered the current regulatory controversy in the worldwide finance industry, and particularly the problem of "tax havens," that is, countries or states that promote their finance industry by protecting tax evasion and tax fraud on the part of so-called offshore (i.e., non-resident) clients (cf. Ulrich, 2009b, p. 35f, note 3). We are now better prepared to understand what this example tells us about the power of moral universalism.

The controversy is not really, as the public discussion has it, about a clash of different legal systems, some of which consider banking secrecy as illegal and others (supposedly with equal right and legitimacy) as legal. One major effect of banking secrecy is that it allows and obliges a country's finance industry to maintain the anonymity of its foreign clients so as to protect them from ordinary taxation by their countries of residence. By giving legal protection to secret banking, the countries concerned not only provide a competitive advantage to their finance industry but also disregard the fiscal sovereignty of other countries, in a way they could not wish these other countries to practice it themselves. The controversy therefore is at heart about a business model that is not capable of being universalized, and about the question of whether any country has the right to protect such a business model at the expense of other countries. The core question is a moral rather than legal one, and that is why the proponents of banking secrecy find themselves in an unsustainable argumentative position.

From a Kantian perspective, the moral assessment of the situation is clear. Elevating tax evasion protected by "banking secrecy" to a national business model violates the principle of moral universalization. No country can credibly protect this business model for its own financial industry and at the same time expect that other countries do not likewise serve as tax havens for its own taxpayers. Applying such double standards means you do not have the *argument of reciprocity* on your side. The argumentative position of tax havens is accordingly weak; in defending this business model, they constantly entangle themselves in argumentative contradictions. Necessarily

so, as Kant makes us understand: *morally deficient positions, due to their wanting generalizability, cannot be argued consistently.*

Eurocentrism? In the light of such fundamental consequences regarding argumentative consistency, and considering the underlying refusal of a cooperative attitude (in the specific case, in matters of international fraud prevention) that causes it, the frequent reproach of Eurocentrism leveled against Kantian ethics – the suspicion that its ethos of moral universalism conceals a profoundly "Western," Eurocentric view of morality – loses some of its clout. To be sure, it can hardly be denied that Kant's thinking originates in particular traditions such as the Judeo-Christian Occident and the Protestant Ethos of 18th century Prussia, along with the Enlightenment ideas that flourished in Europe under the reign of Frederick the Great. Kant's language of duty and respect, but also his vision of a worldwide moral community within which we all recognize our shared humanity and from which we would not exclude anyone, certainly give evidence of such a background ethos. Even so, we may assume that a philosopher of Kant's format does not simply allow himself to be a prisoner of his upbringing. As evidence we may cite the observation just made, that this ethos translates into a requirement as general and powerful as consistent reasoning, along with the hardly outdated requirement of taking a cooperative attitude at a worldwide level (in this case, in international fraud prevention).

We may equally recall our earlier observation that the ethics of reciprocity that underpins the categorical imperative can be found in all cultures and epochs (see Ulrich, 2009b, pp. 16-18, 21, and 27f). The point, to be sure, is not that Kant's conception of a morality "within the bounds of reason alone" can do without any background ethos, whether it has a Eurocentric bent or not; the point is that Kant makes us understand why, and how exactly, the ethos of reciprocity that informs his moral standard of impartiality is truly universal. Kant's conception of rational ethics is universal inasmuch as it translates into a truly universal requirement of cooperative practice, which we have just identified as the requirement of *"having the argument of reciprocity on one's side."*

A last observation that I find interesting and relevant is this. As the example of banking secrecy illustrates, Kant's moral universalism is far from representing merely a case of abstract and idealistic moral theorizing. Quite

the contrary, Mead's earlier cited observation has *practical clout*:

"We cannot demand from others what we refuse to respect. It is a practical impossibility." (Mead, 1934, p. 381)

To put it differently: we cannot expect others to respect us without acknowledging the principle of moral universalization. Moral universalism is indeed a universal element of rational ethics; it is an ideal, to be sure, but one with practical clout.

Moral universalism, or the public use of reason Kant described the practical clout of moral universalization in a second, equally forceful way. Morally strong reasons, he argued in the true spirit of an enlightened and open society, must allow us to back normative claims publicly. Sound moral reasons, not unlike sound scientific reasons, are *public reasons* – we can cite them at all times, teach them everywhere. What Kant (1784, A484; cf. 1787, B766f) describes as a key condition of enlightenment in general, the *public use of reason*, is also an important characteristic of moral argumentation in particular.

It seems to me this concept offers us yet another key to a solution of the problem of moral justification, certainly under contemporary conditions. Unless we want to ignore or deny that ethical pluralism and multiculturalism have become part of modern life, need we not ultimately regard *publicly defensible* reasons as *universally defensible* reasons – reasons that we may invoke across all ethical, cultural and ideological differences and thus could in principle defend (and teach) universally. So much appears to be clear: in a multicultural world, moral claims cannot hope to be widely (let alone universally) acceptable unless they are *universal in the positive sense* of lending themselves to public employment in communicative practice, everywhere, anytime. The price to pay, given ethical pluralism, is equally clear: public reasons must also be *universal in the negative sense* of presupposing a bare minimum of shared normativity – the reverse side of the grounding of morality within the bounds of reason, which explains the formal and procedural rather than substantive and normative nature of all rational ethics.

Summary: Kant's moral universalism We have characterized the thrust of Kant's moral universalism by means of five characteristics, each of which implies a stance of inclusiveness (or non-exclusion) towards all the parties

concerned by a norm or normative claim:

1. the ethos of doing *equal justice to all*;
2. the *viewpoint of impartiality*, which alone allows rational interpersonal argumentation about normative claims and ethical clashes ;
3. the *practical impossibility* of denying the moral point of view, due to its intrinsic nexus with rationality and *consistent reasoning* as well as to the social web of mutual expectations, attitudes, and feelings (e.g., mutual respect and trust) on which all *cooperative practice* depends;
4. the need for grounding *morality within the bounds of reason alone*, that is, with a minimum of normative presuppositions (so as to be universally applicable) and independent of external sources of authority or power (so as to preserve reason's integrity); and
5. the affinity of moral argumentation with the *public use of reason*.

Apart from their universalistic implications, these five features have one important aspect in common: they all point to the *need for a communicative turn of ethics*.

Moral universalism today: Habermas Since Kant did not have available at his time a philosophical framework that would have allowed him to take the communicative turn, he had no option but to find a way of capturing the communicative implications of the moral point of view in the traditional terms of a philosophy of consciousness, which is exactly what the *categorical imperative* achieved. But with the emergence of language analysis and discourse theory, the situation has changed. There is no need any more to translate the universalistic thrust of Kant's moral reasoning into a monological "exercise of abstraction" (Habermas, 1993b, p. 24). We now have the theoretical means to reformulate Kant's insights in terms that may better equip us for dealing with the key challenge that all ethical reflection faces today, the *problem of ethical pluralism*.

A new philosophical modesty At the same time, a recasting of moral theory in communicative terms offers us a chance to relieve philosophy from the traditional, but elitist, role of an arbiter of (moral or scientific) judgment and instead to give it a more modest, but more credible, role. Habermas (1990d, pp. 4 and 15) once described this new role with the image of philosophy as interpreter and "stand-in" (*Platzhalter*) rather than "usher" (*Platzanweiser*). That is, moral theory is no longer the authority that informs practical agents about the right way to act (i.e., proper norms of action); instead, it is now the

task of moral theory to put practical agents in a situation of participants, in which they themselves can find out together what is the right thing to do. We find it quite normal today that epistemology and philosophy of science, for example, no longer inform us about the phenomena and laws of nature but only clear the ground for scientific practice to do its job of research and theorizing in a self-critical manner; in much the same way, I believe, we must learn to entrust moral judgment to philosophically informed practice, rather than directly to philosophy.

Five discursive equivalents of Kant's moral universalism We may then understand the communicative turn of rational ethics as a new attempt, with the philosophical means of our epoch, to breath life into the five Kantian conjectures that we associated above with Kant's moral universalism. Note that I do not follow Habermas' account of discourse ethics here but rather "translate" his intent, as I pick it up from various passages in his writings (to which I am going to refer) into what we might call five discursive equivalents of Kant's moral universalism:

1. *The ethos of doing equal justice to all:* Since "modern life is characterized by a plurality of forms of life and rival value convictions" (Habermas, 1993b, p. 22), the central task of morality becomes one of helping us to settle ethical clashes argumentatively. Even more than at Kant's time we need to recognize today that "the peculiarly moral problematic detaches itself from the egocentric (or ethnocentric) perspective of each individual's (or our) way of life and demands that interpersonal conflicts be judged from the standpoint of what *all* could will in common." (Habermas, 1993b, p. 24) The implication is moral universalism: moral arguments either do justice to all, or they are not moral arguments at all.
2. *The viewpoint of impartiality* is still the only perspective from which we can rationally assess normative claims and ethical clashes, except that the process of assessment must now live up to the requirements of rational interpersonal argumentation rather than just consistent personal reasoning. Accordingly, moral justification becomes a matter of argumentatively secured consensus rather than of individual ethical self-reflection. Moral theory thus becomes the task of reconstructing Kant's analysis of "the conditions for making impartial judgments of practical questions, judgments based solely on reasons" in the terms of rational discourse rather than of transcendental philosophy (Habermas, 1990a, p. 42, cf. 1990d, p. 196).

3. *The practical clout of moral reasoning*: If we want to find a credible basis for lived morality today, we cannot leave its justification to moral *theory* alone but must somehow embed it in moral *practice* itself. Moral insight must be conceived as the outcome of a practical *process*, rather than the knowledge of philosophers. Consequently, moral universalization must now be conceived from a *participant's* rather than an observer's perspective (Habermas, 1993b, pp. 22-24, with references to Williams, 1985). The primary task of moral theory then consists in a "clarification of the conditions under which the participants could find a rational answer for themselves." (Habermas, 1993b, p. 24)
4. *The minimal normative core of moral reasoning*: To make sure moral argumentation does justice to the ethical pluralism of our age, we must restrict its normative basis to an absolute minimum – to an ethical core that can count as impartial or neutral in the sense that across all individual forms of life and cultures, everyone who means to argue morally cannot help but share this minimal normative basis. The *telos* of mutual understanding (Habermas, 1984, p. 287; 1985, p. 173) and the general pragmatic presuppositions of discourse (e.g., 1984, pp. 25 and 34; 1998, p. 44) amount for Habermas to such a minimal and culturally neutral, normative core.
5. *The public employment of moral reasoning*: Whatever reasons we may want to rely on in practice, they can only avoid the suspicion of pursuing particular interests, at the expense of a suppression of generalizable interests (Habermas, 1973, pp. 111-116), if they are public reasons, that is, can be defended publicly. For Kant, publicity is the one principle that can make politics converge with morality (Habermas, 1989, pp. 102-117, esp. 105-108). Accordingly, it is clear for Habermas that well-understood moral theory should aim at the public use of reason; it should help us make sure that our moral claims (or more accurately, the reasons we advance in their support) hold good publicly. The requirements of formal pragmatics, in particular the requirements of open access and of equal argumentative chances for all, offer themselves to this end: we may understand them as aiming to make sure that rationally motivated consensus is effectively based on public reasons. I am inclined to suggest that we might indeed understand all of Habermas' work – from his early work on the "public sphere" via his social theory (the theory of "communicative action") and moral theory ("discourse ethics") to his legal and political philosophy ("deliberative democracy") – as a relentless search for a *philosophy of public reason*.

Some final conjectures I find it stimulating indeed to identify such close parallels between what I take to be some of the basic ideas of discourse ethics and some corresponding ideas in Kant's conception of rational ethics, especially since the latter are among those conjectures in Kant's work that I consider most relevant to the aim of promoting reflective professional practice. It should be clear, at the same time, that I do not mean to play down the differences that separate discourse ethics and Kant's moral theory. I am thinking, for example, of the way Habermas (1979b, 1990b) links cognitive ethics to Kohlberg's (1981, 1984) research into the stages of moral development and socialization (a topic with which we will deal a little more in the main essay on discourse ethics that I am currently preparing), or of his partial shift from deontological to consequentialist ethics (which, as I have suggested above, at bottom includes a teleological element). However, despite such differences, our current focus is on the theoretical development that takes us from Kant's "monological" to a "discursive" conception of the moral point of view. To this end, I find it useful to regard the differences in question as methodological *consequences*, rather than *presuppositions*, of the communicative turn.

As to the latter – there are of course differing presuppositions that separate discourse ethics from Kant's moral philosophy – perhaps the most essential difference is one of motives. Kant's basic motive of promoting the "good will" of agents was still rather close to the Aristotelian quest for clarifying the virtues of thought and character that should enable us to become good and happy *persons*; by contrast, the basic motive behind discourse ethics is quite clearly the quest for a communicative rationalization of *society*. This is why discourse ethics, unlike Kant's approach, is closely linked to social theory, argumentation theory, and political theory. Discourse ethics is to be seen as an integral part of a more comprehensive effort, the aim of which is to explore the implications of the quest for a communicative rationalization of society under contemporary conditions of value pluralism and moral skepticism. Subsequently to discussing discourse ethics, we will therefore also briefly consider the roles of deliberative democracy and of critical social science in this quest.

In an interview of 1990 under the title "Morality, society, and ethics," I find a passage in which Habermas (1993d) sums up his motives in words that we

can now easily relate to the above-mentioned Kantian conjectures:

Under modern conditions, philosophy can no longer stand in judgment over the multiplicity of individual life projects and collective forms of life, and how one lives one's life becomes the sole responsibility of socialized individuals themselves and must be judged from the participant perspective. Hence, what is capable of commanding universal assent becomes restricted to the *procedure* of rational will formation. [...] Even in answering questions of direct practical relevance, convincing reasons can no longer appeal to the authority of unquestioned traditions. If we do not want to settle questions concerning the normative regulation of our everyday coexistence by open or covert force – by coercion, influence, or the power of the stronger interest – but by the unforced conviction of a rationally motivated agreement, then we must concentrate on those questions that are amenable to impartial judgment. (Habermas, 1993d, p. 150)

The common denominator of all these requirements is a concern for *inclusiveness*, a moral intuition that for Habermas (as well as for Kant) translates methodologically into moral universalism. Let us, at the end of this long exploration, give the final word to Habermas and quote a somewhat longer extract from *The Inclusion of the Other* in which he sums up some of his rather nuanced core conjectures. My hope at this stage must be that the reader may find this quote repetitious; in other words, that the reader will recognize in these words much of what we have been exploring together in this essay.

I proceed on the assumption that the *participants* do not wish to resolve their conflicts through violence, or even compromise, but through communication. Thus their initial impulse is to engage in deliberation and work out a shared ethical self-understanding on a secular basis. But given the differentiated forms of life characteristic of pluralistic societies, such an effort is doomed to failure. The participants will soon realize that the critical appropriation of their strong evaluations leads to competing conceptions of the good. Let us assume that they nevertheless remain resolved to engage in deliberation and not to fall back on a mere *modus vivendi* as a substitute for the threatened moral way of life.

In the absence of a substantive agreement on particular norms, the participants must now rely on the "*neutral*" fact that each of them participates in some communicative form of life which is structured by linguistically mediated understanding. Since communicative processes and forms of life have certain structural features in common, they could ask themselves whether these features harbor normative contents that could provide a basis for shared orientations. Taking this as a clue [they will see] that morality derives a genuine meaning, independent of the various conceptions of the good, from the form and perspectival structure of unimpaired intersubjective socialization.

[To be sure] traditionally established obligations rooted in communicative action do not of themselves reach beyond the limits of family, the tribe, the city, or the nation. However, the *reflexive* form of communicative action behaves differently: argumentation of its very nature points *beyond all particular forms of life*. For in the pragmatic presuppositions of rational discourse and deliberation *the normative content* of the implicit assumptions of communicative action is generalized [and] extended to an *inclusive community* that does not in principle exclude any subject capable of speech and action who can make relevant contributions. This idea points to *a way out of the modern dilemma* [...]. As we have seen, the participants can only draw on those features of a common practice they already currently share. [...] The

bottom line is that the participants have all already entered into the *cooperative* enterprise of rational discourse. (Habermas, 1998a, pp. 39-41; the italics are mine)

Concluding remarks

The reader may wonder: What is the bottom line of this preparatory exploration of some of the basic aims and assumptions of discourse ethics? Conforming to the exploratory character of this essay, it can offer no definitive conclusion, no assessment of discourse ethics, just a short self-reflection as to the limitations of my own present effort, considering where we stand and where we go.

Argumentative buds and clouds In this and the previous *Bimonthly*, I have invited my readers to look over my shoulder while I am preparing to write on a difficult topic. I hope readers will pardon the exploratory rather than systematic character of these two essays. My attempt has been to help readers and myself in becoming aware of some of the "argumentative buds and clouds" (thus the motto of the previous *Bimonthly's* picture) that we might want to consider on our further way. I think we have indeed encountered some argumentative "buds" that promise to develop into relevant considerations and which I will therefore want to take up in the main essay, along with some argumentative "clouds" that call for clarification (e.g., regarding some basic terminological and methodological issues) and for some alternative ideas (e.g., with a view to ensuring practicability).

What's ahead – some doubts and difficult questions We have not as yet discussed the difficult problem of operationalizing discourse ethics. Is it possible to translate Habermas' rather abstract theoretical conjectures into specific principles or rules of moral argumentation, as a modern *Ersatz* for the categorical imperative as it were? We will see in the next contribution to the "Reflections on reflective practice" series that Habermas introduces two such rules, the "principle of discourse ethics (D)" and "the principle of universalization (U)." The first is a misnomer in that the second is equally a principle of discourse ethics, otherwise there would be no need for it. The second, too, is to some extent a misnomer, in that the name does not tell us whether and in what way it differs from the form that Kant gave to the universalization principle in his categorical imperative – just two hints at the

kind of difficulties that expect us, and at the job of critical assessment still awaiting us. We will try to understand what they actually achieve and what they don't achieve, and what kind of conclusions we need to draw with a view to supporting ethical practice.

I have to confess at this point that I am not a true believer. I doubt whether discourse ethics as Habermas understands it is able to help us very much in grounding professional practice ethically. I fear it is all too theoretical and idealizing in nature; in particular, it seems to me it presupposes conditions of rational argumentation and consensus about moral questions that are beyond what we can hope to achieve in real-world practice. I fear, therefore, that it is bound to remain a piece of philosophy *of* practice rather than being able to become a piece of philosophy *in* practice, and thereby ultimately risks missing the genuinely practical aim of "practical" philosophy.

Precisely *because* I have these doubts, I have focused so far on exploring some of the main arguments *in favor* of discourse ethics, before trying to assess it and to assign it an adequate place in the quest for reflective professional practice. In particular, I have tried as much as I could to strengthen its case for moral universalism, despite some serious doubts regarding the chances for putting moral universalization into practice. Criticism is meaningless and unproductive unless it is based on a previous sincere attempt to understand, and even strengthen, the case for the ideas at issue. In any case, there is much we can learn from discourse ethics as a philosophy *of* practice, regardless of whether in the end it yields a practicable framework for philosophy *in* practice, that is, for lived professional ethics.

What have we learned? We may summarize some of the main points with which we have familiarized ourselves as follows.

1. Discourse ethics focuses on the specific part of ethics made up by moral questions. It is a piece of *moral theory*, rather than a general – and "realistic" – model for practical discourse.
2. More specifically, discourse ethics is an attempt to explain the "moral point of view" in the discursive terms of formal pragmatics. It is a *theory of moral discourse*. Conforming to its theoretical purpose, it tries to explain the discursive conditions that *in principle* would allow us to justify moral claims, which is not the same as telling us how these conditions might be realized in practice.
3. *Moral discourse* is about dealing reasonably with *ethical clashes*, that

is, with conflicts between different notions of the good and conforming courses of action.

4. The *basic idea of discourse ethics* in dealing with ethical clashes is that to the extent we can agree with others about disputed norms or principles of action as a result of rationally motivated discourse that is open to all those concerned, we have *good reason* or grounds to expect all the parties concerned to share these agreed-upon norms, and in that sense to consider them as morally justified. Moral justification amounts to moral universalization.
5. Accordingly, it is useful to understand discourse ethics as a *special theory of argumentation* within the framework of formal pragmatics; that is, a special application of the Toulmin-Habermas model of argumentation.
6. Inasmuch as discourse ethics attempts to clarify the argumentative presuppositions of moral justifications, we may also understand it as a *special presuppositional analysis* within the framework of formal pragmatics.
7. The specific presuppositions of moral discourse that discourse ethics finds indispensable beyond and in addition to the general pragmatic presuppositions of any rationally motivated discourse are these:
 - a. that moral questions have a *cognitive* content, that is, can be decided rationally;
 - b. that hidden in this cognitive content is a *communicative* kernel;
 - c. that in view of modern conditions of ethical pluralism and moral skepticism, the only kind of norms or principles that moral theory can still credibly stipulate are of a *formal* and *procedural* rather than substantial character;
 - d. that contemporary ethics should enlarge Kant's deontological focus on the moral duties of a universally good will with a *pragmatic* focus on consequences and their moral tenability; and finally,
 - e. that the central idea we need to salvage from Kantian ethics is its *universalist* stance, according to which moral norms and principles either hold universally (and hence, publicly) or are no moral norms or principles at all.
8. In consequence of all these considerations, the moral point of view may be defined as the *viewpoint of impartiality*, which in turn emerges as the only specifically moral perspective from which we can rationally assess normative claims and ethical clashes. Discourse ethics, then, is a moral theory that explains what the viewpoint of impartiality means in the argumentation-theoretical terms of formal pragmatics.

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Picture data Digital photograph taken on 13 May 2008, around 7:15 p.m., near Bern, Switzerland. ISO 100, exposure mode aperture priority, aperture f/5.6, exposure time 1/60 seconds, exposure bias -0.30, focal length 33 mm (equivalent to 66 mm with a conventional 35 mm camera). Original resolution 3648 x 2736 pixels; current resolution 700 x 525 pixels, compressed to 130 KB.

May 2010

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	30	31				

June 2010

Su	Mo	Tu	We	Th	Fr	Sa
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May-June, 2010



Reflecting on discourse ethics: recovering the old concept of practical reason

„Discourse ethics provides the *missing link* between the 'old' concept of practical reason and the 'modern' concept of a pragmatic logic of substantive argumentation.”

(Jurgen Habermas, in the fictitious dialogue of this page)

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