



RESEARCH ARTICLE

HABERMASIAN DISCOURSE THEORY OF MORALITY: A CRITIQUE

Gobinda Bhattacharjee

Research Scholar, Department of Philosophy, Tripura University (A Central University), Suryamaninagar, Tripura - 799022, India.

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Abstract

In this present work, I have made an attempt to discuss the concept of discourse ethics with its basic characteristics, and finally the main problems concerning Habermasian discourse theory of morality. Discourse ethics is an approach to ethics that is founded upon rules of dialogue, and which encourages participants to approach an ethical dilemma with both pure rational reason and experience firmly in hand. Habermasian discourse ethics is widely known as deliberative democratic theory often praised for its ideals. The concept of communicative action plays a central role in the development of Habermas' discourse morality. It is a theory of morality, which claims that moral norms concerning justice can be tested rationally in an argumentative dialogue; the ideal precondition is that dialogue should be free from domination. With its various characteristics, some main problems concerning Habermasian Discourse ethics is also discussed in this paper.

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Introduction:-

The contemporary German philosopher Jürgen Habermas (b. 1927 -) is well known for his theory of communicative rationality, truth and knowledge, concept of modernity, and discourse ethics etc. Habermas's discourse theory of morality represents one of the most original and far-reaching attempts to defend a cognitivist, deontological ethical theory in contemporary moral philosophy. His declared goal is to find a middle ground between the abstract universalism with which Kantian ethics is justly reproached and the relativistic implications of communitarian and contextualize positions in the tradition of Aristotle and Hegel. It is widely known as deliberative democratic theory, often praised for its ideals.

Here, I have made an attempt a survey of the origins of the theory of discourse ethics. It explained the influence of Immanuel Kant and G. W. F. Hegel, and identified the significance of the work of C. S. Peirce on Habermas' theory. It then outlined Habermas' notion of the justification of moral norms to explain his motivation to apply his critical theory to the study of ethics. I have also examined particular aspects of the theory of discourse ethics. It surveyed such things as validity claims, the ideal speech situation, and the principle of Universalization. With its various characteristics, some main problems concerning Habermasian Discourse ethics is also discussed in this paper.

Corresponding Author:- Gobinda Bhattacharjee

Address:- Research Scholar, Department of Philosophy, Tripura University (A Central University), Suryamaninagar, Tripura - 799022, India.

The Discourse Ethics of Jürgen Habermas: An exposition

The Theory of Communicative Action is arguably Jürgen Habermas's most important work, both for critical theory in general, and for communicative theory in particular. The concept of communicative action plays a central role in the development of Habermas' discourse morality. The two-volume *The Theory of Communicative Action* presents extensive reflections on the primary principles of social theory, coupled with Habermas' observations on the importance of rationalization as a force in modernization (Baynes, 1998). It is this notion of rationalization that Habermas develops as a primary theme in *The Theory of Communicative Action*. Congruent with his task as a reconstructive scientist, Habermas has amalgamated the most appropriate and applicable aspects of his previous thought on social and communication theory and turned his focus to the issue of ethics and morality. The result is Habermas' contribution to the field of ethical and moral theory called "discourse ethics".

Discourse ethics is an approach to ethics that is founded upon rules of dialogue, and which encourages participants to approach an ethical dilemma with both pure rational reason and experience firmly in hand. Both these facets of knowledge are intended to supplement the dialogue, and help the community reach a mutual understanding regarding a particular moral or ethical issue. While Habermas does not claim to be entirely Kantian or Hegelian in his approach to discourse ethics, threads of both of these streams of thought can be located within this ethical theory. Habermas begins with reason as the primary source for ethical knowledge, which is a Kantian contribution. Then, in a Hegelian fashion, Habermas supplements reason with individual and corporate experience, history, and tradition. Remnants of Hegel's dialectical process can be found in Habermas' conception of a discourse ethics. Like Hegel, one can find in Habermas' discourse ethics a thesis (the original statement or assertion of an ethical or moral position based on rational thought), and antithesis (varying views expressed through the process of argumentation), and a synthesis (the communally determined, mutually accepted resolution). Finally, Habermas returns to the work of Kant in the way that the product of the dialectical process becomes regarded as valid moral or ethical knowledge or truth. This is done through the application of a modified version of the Kantian principle of Universalization.

Habermas acknowledges Peirce's emphasis on the value of language in discourse when he writes that those in communication "proposed analyses that started from linguistic expressions or observed behavior and were open to intersubjective testing" (Habermas J. , *The Theory of Communicative Action*, 1987, p.3). The process of communication that Peirce proposed involved raising validity claims, either through linguistic expressions or through observable behavior, and then testing those claims as a community to determine the acceptability of the claims.

Foundational to the notion of discourse ethics and to any speech communication at all, is Habermas' conception of validity claims. Introduced by Habermas in his early work "What is Universal Pragmatics?", validity claims represent the cornerstone of discourse and discourse ethics. In linguistic communication, where two or more people are engaged in dialogue, there are four implicit validity claims that all parties must recognize as the mutual presuppositions underlying the dialogue.

The first validity claim is that "the speaker must choose a comprehensible expression so that the speaker and hearer can understand one another" (Habermas J. , "What is Universal Pragmatics?", 1979). In the case of discourse regarding ethical principles, it is necessary that the speaker select words and phrases that maintain the truths of the argument but that are comprehensible for the hearer, so that he or she may understand the content of the argument. The second validity claim is that "the speaker must have the intention of communicating a true proposition (or a prepositional content, the existential presuppositions of which are satisfied) so that the hearer can share in the knowledge of the speaker" (Ibid. 2). The discourse must be motivated by the desire of the speaker to share his or her knowledge with the hearer. With regards to moral or ethical discourse, the speaker must be motivated by the desire to share his or her knowledge with the hearer so as to enlighten the hearer to an alternative position. If the speaker is not motivated by such altruistic purposes, then the validity claim cannot be fulfilled.

The third validity claim is that "the speaker must want to express his intentions truthfully so that the hearer can believe the utterance of the speaker can trust him [sic]" (Ibid., 2-3). In dialogue, it is assumed that all parties engaged are speaking truthfully to one another. When the speaker expresses a position, it must be assumed by the hearer that what is being expressed is the truth, so far as truth is understood. It is inappropriate for the speaker to

express a position with the intent to deceive the hearer, or to convey falsities. If all parties in the dialogue are unable to assume the intrinsic principle of truthfulness, then it is impossible to reach a genuine consensus.

The fourth validity claim is that "the speaker must choose an utterance that is right so that the hearer can accept the utterance and speaker and hearer can agree with one another in the utterance with respect to a recognized normative background" (Ibid., 3). The speaker must select an appropriate means of communication so that the hearer may take in what is being said and accept the validity of what they hear. When the validity of the statement is accepted, then the position of the speaker too may be accepted. This is the portion of dialogue where the speaker has laid out his or her position with clarity, the hearer has understood the position and trusted that the content of the position is true, and the hearer comes to accept the position of the speaker, thus coming alongside the speaker as one who shares the same position or perspective.

Habermas uses the expression validity claims in this broader sense throughout his writing on argumentation. In contemporary society, the term 'argumentation' carries with it a reputation. For many, arguing or engaging in argumentation is something to be avoided. For Habermas, however, argumentation is a cornerstone of discourse ethics. It is when people engage in argumentation, undergirded by the four presupposed validity claims. According to Habermas, "argumentation insures that all concerned in principle take part, freely and equally, in a cooperative search for truth, where nothing coerces anyone except the force of the better argument. Practical discourse is an exciting form of argumentative decision making" (Habermas J. , *Moral Consciousness and Communicative Action*, 2007). The premise is that in a dialogue, each person who will be affected by the outcome will have an opportunity to express personal opinions and beliefs, and ultimately the best argument will prevail. Others will, theoretically, be so convinced by the power of the argument that they will see the issue from a new perspective and their views will be altered. In turn, they will be forever changed by the interaction.

If we are able to presuppose the possibility of an unconstrained dialogue to which all people have equal access to the dialogue and in which the force of the better argument prevails, then we have achieved what Habermas calls the 'ideal speech situation'. The ideal speech situation provides the parameters to any dialogical interaction that will allow the process of dialogue or discourse to unfold in a manner that is balanced and uninhibited. It is assumed that if an ideal speech situation is in place, then those engaged in dialogue may reach a consensus that has been attained by the power of reciprocal discourse. An ideal speech situation is one that is "free from external distortion through unequal power and in which the participants are prepared in principle to be challenged and their conclusion rendered provisional in the light of future and better evidence or more compelling argumentation" (Walker, 1999, p.495).

When writing about the philosophy of discourse, Habermas notes a disjunction between theory and practice. For Habermas, "in theoretical discourse the gap between particular observations and general hypotheses is bridged by some canon or other of induction. An analogous bridging principle is needed for practical discourse" (Habermas J. , *Moral Consciousness and Communicative Action*, 2007). There are two realms in discourse. In one realm there are the observations that one makes about oneself and the world. In the other realm there are the hypotheses that these observations form when brought together that makes them more than just observations but instead something with real meaning and content.

One of the most famous phrases of the discourse ethics of Jürgen Habermas is: in discourse the unforced force of the better argument prevails. Or to put it in the words of hermeneutic philosopher Hans-Georg Gadamer, who gives this a popular turn: What the others are saying could be right! As everyone knows, this ideal is very difficult to achieve in scholarly and everyday discussions. But there is an obvious deficit in practical philosophy - namely, it's fundamentally "unresolved openness" [Unabgeschlossenheit] concerning its problems and its various attempts at their solutions. This fundamental, unresolved openness becomes a great virtue in discussions - the virtue of fallibilism.

I make use of this special kind of unresolved openness in the following. A brief presentation of some basic elements of Habermas's discourse ethics will be followed by some problems and questions that are important from my point of view. The question that lies behind my work is: How much of practical impact does ethics need? And because this Internet forum is named 'meta-ethics', I want to explain first what I mean by meta-ethics in my comments. Is every sort of reflection on morality' meta-ethics? Or is meta-ethics a special kind of reflection, one that seeks to establish a theory about ethical theories, with the further aim of finding a justified

theory for application in concrete situations? Historically 'meta-ethics' is an issue of the analytic philosophy and of the linguistic turn. Meta-ethical reflections could be interpreted as a propaedeutic, one which clarifies the use of moral judgments in terms of language analysis [Sprachanalyse] - a clarifying that has to be followed by a normative ethics theory. But understanding meta-ethics as a pure theory, one that is convinced all moral questions could sufficiently be handled on the neutral and theoretical level of language analysis (especially in ideal language philosophy), is excluding an orientation to application even in its self-understanding.

In what respect does Habermas's discourse ethics contain meta-ethical - that is, propaedeutic - elements? The answer is initially easy: Meta-ethical reflections are a part of discourse ethics in defining what a moral question is and what is not. Beyond the embeddedness of discourse ethics in the development of western rationality and in the process of differentiation of rationality (in its three types of theoretical, practical and expressive rationality) is a meta-ethical framework in a broad sense. Habermas chooses a specific way of combining theoretical meta-ethical statements with the practical world, the "lifeworld" (the world that we live, understand through language and experience) contexts [lebensweltlichen Kontexten], in his discourse ethics. From this point of view, discourse ethics is neither pure meta-ethics nor applied ethics. It undertakes to combine the claim of universality that is inherent theoretical knowledge with the application of theory to practice. And it even claims to conjoin the sphere of theoretical justification of the theory with the sphere of practice.

One point in question in Habermas's discourse ethics (and I restrict this work to the version of Jürgen Habermas, which I take to be the important one) is the relation between empirical foundation and transcendental method, between context orientation und de-contextualization in the so-called 'moral point of view,' which is the phrase Habermas uses to describe the specific dimension of morality, i.e., normative questions.

Three characteristics of discourse ethics:-

1. Cognitivism:

First, discourse ethics starts from the assumption that even moral problems are capable of being solved in a rational and cognitive way. This is against a moral skepticism which asserts that questions of practical reason could not be decided on rational grounds: "The non-cognitivist conceptions are reducing the value of the whole world of moral intuitions based in everyday-life" (Habermas, "*Moralbewußtsein und kommunikatives Handeln*," S.65). With this confession to cognitivism in moral theory, however, Habermas does not intend to assimilate the specific phenomenon of 'morality' to what is the domain of cognitivism, 'truth.' To say it in analytic terms: normative sentences could not be treated as propositions or as assertive sentences. There is obvious difference between "You ought not to kill" and "This grass is green". Hence the term "moral truth" is a quite difficult one, as Habermas himself recognizes. And thus he claims for normative sentences only the 'weaker assumption of a validity claim that is analogous to the validity claim of truth'. This weaker assumption implies two consequences. First, with this restriction Habermas take a step back from transcendental foundations as 'final grounding' [Letztbegründung]. Secondly Habermas situates the validity claim of normative sentences in a social-evolutionary context: the differentiation of the validity claims of normative justification and of truth is the result of the process of modernization. Discourse ethics is a normative ethics for pluralistic societies which no longer have a single, overarching moral authority.

2. Justice vs. Good:

Another second basic decision results from the cognitivist theory of ethics: questions of morality are defined as questions of justifying norms. The mediating structure of 'substantive ethics' [Sittlichkeit], which is crucial to Hegel's central critique of Kant's moral theory, is in Habermas' theory only important for particular forms of life [Lebensformen] and contexts. In his conception of the lifeworld [Lebenswelt] Habermas has worked out the limitedness [Begrenztheit] of this horizon - a limitedness which is culturally, historically, and socially mediated, and within which takes place the substantial determination of our imaginations and aims to fulfill individually our 'good life'. The phenomenal domain of morality, as Habermas understands it, is, in his view, structured by intersubjectivity quite differently from the phenomenal domain of substantive ethics [Sittlichkeit]. The 'moral point of view' has a force to transcend the particularity of the contexts. We are entering the sphere of morality when we are in conflict with others, when there is conflict and dissent ['dissens']. Moral theory has the task of preparing our means of responding [Instrumentarium] to a partial destruction of the lifeworld [Lebenswelt]. Moral theory provides a sort of mending or repair. Thus Habermas differentiates strictly between 'questions of the good life' and 'questions of justice'. (In this direction lies also the difference between 'norms' and 'values'.) This is quite plausible because determining what a 'good life' is, under conditions of value pluralism, has to be

necessarily a limited determination. For that reason, Habermas emphasizes the role of a formal moral theory, such as discourse ethics, in creating the 'free spaces' [Freiräume] needed for a pluralism of many different 'good lives'.

But certainly moral questions arise in contexts of the lifeworld, where our beliefs and decisions are shaped by values, habits and prejudices. Here reappears the problem: to what degree must moral theory transcend the particularity of the lifeworld, so as to ensure impartiality and justice - without, on the other hand, being so general and universal that it is no longer relevant as a criterion for moral conflicts?

3. Universalization:

The essential point of discourse ethics by Habermas is formulated in the principle of Universalization and what it entails - namely, the principle of discourse. Habermas reformulates the Kantian version of the principle of Universalization in terms of intersubjectivity. To begin with, the principle of Universalization explains what our everyday, but post conventional intuition would outline for us as a strategy for solving moral conflicts: the principle of impartiality. This basic assumption of impartiality already draws a line between a cognitivist and universal ethics and an ethics oriented towards solidarity, as advocated by Carol Gilligan (Gilligan, "In a Different Voice" 1982, pp.24-34). The psychologist Carol Gilligan criticized L. Kohlberg's theory of moral development, especially its emphasis on the level of 'post conventionality' as the highest and 'best' level of moral judgment. Gilligan's critique applies first of all to Kohlberg's reduction of moral judgments to a formal procedure of justice - a procedure which is ultimately a procedure of 'post conventionality.' While Gilligan's critique of biases in Kohlberg's model is quite fruitful, a first problem in her approach is that she provides no way of distinguishing coerced solidarity from voluntary solidarity. There is a second problem inherent in decisions guided by solidarity: those decisions could be easily unjust and unfair decisions for those who are affected by those decisions, but who are not part of the shared community [and thus excluded from the discussions in the first place].

Habermas insists on the principle of impartiality that first makes possible a formal framework for both different mores and acts of solidarity. Concomitantly, the principle of Universalization (U) is formally stated as follows: A norm is valid only if "all affected can accept the consequences and the side effects its general observance can be anticipated to have for the satisfaction for everyone's interests (and these consequences are preferred to those of known alternative possibilities)" (Habermas, *Discourse Ethics*, p. 65). In this way, the principle of Universalization formally determines those conditions which must be met if the claim of legitimacy - the claim advanced by moral commands and norms - is really justified.

This principle is at the same time a principle for argumentation, because it summarizes the normative implications bound up with the situation of 'entering into an argument.' These implications can be summarized as follows: equal participation of all who are affected; the postulate of unlimitedness, i.e., the fundamental unboundedness and openness concerning time and persons; the postulate of freedom from constraint [Zwanglosigkeit], i.e., the freedom, in principle, of discourse from accidental and structural forms of power; and the postulate of seriousness or authenticity [Ernsthaftigkeit], i.e., the absence of deception and even illusion in expressing intentions and in performing speech acts. We have to presume these principles counterfactually, even when we know that people usually don't act that way.

For Habermas, the principle of Universalization and these concomitant postulates should be applicable to the critical examination of practical, everyday norms. The principle of Universalization is applied in the principle of discourse: "only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse" (ibid. p.66). The problem lies in the subjunctive parenthetical phrase: Are we supposed to think that the practical discourse could also function adequately with substitutes, with advocates in place of those who are affected? As an example, we must decide as advocates for generations yet to come. But Habermas, as I understand him, wants to disqualify discourse in those cases in which "expert discussions" assume a "place-holder" function for those who cannot represent themselves, precisely because the principle of discourse requires that all who are affected - not simply their assumed advocates - be able to participate: "Required is a 'real' argumentation in which those who are affected cooperatively participate. Only intersubjective process of understanding can produce an agreement that is reflexive: only then can all participants know that each has been convinced by all" (Habermas 2007). This is a

challenging demand that could only be achieved in rare cases. But Habermas has worked through this problem theoretically in emphasizing the institutionalizations of discourse proceedings.

Habermas situates those institutionalized discourses that come closest to achieving the idea of justice, as formulated in the principles of Universalization and discourse, as a connection between a real resolution and the counterfactual idealization of discourses. "This trivial necessity of institutionalizing discourses by no means contradicts the counterfactual elements of the [ideal] presuppositions of discourse. On the contrary, the attempts at institutionalization themselves obey the normative aims that are taken involuntarily from the intuitive preunderstanding [Vorverständnis] of what is argumentation" (ibid.). In Habermas's discourse ethics, the concrete examples of institutionalizations of moral discourses tend to be vague. Habermas seeks to overcome this gap in the discourse theory of law and democracy presented in *Faktizität und Geltung* (Habermas J., *Between Facts and Norms: Contribution to a Discourse Theory of Law and Democracy*, 1995).

Problems and Questions:-

One of the main problems concerning the Habermasian discourse ethics that emerges from this - very short - presentation is, whether he succeeds in his important conjunction of claims that are capable of justification by Universalization, on the one hand, with, on the other hand, those particular contexts where the claims are generated and are going to be applied.

a) The contextual embeddedness of moral theory (and with it, of a pragmatic form of moral argument) is approached by Habermas when he critiques Karl-Otto Apel's effort to establish a "final foundation" [Letztbegründung] via transcendental argumentation. Habermas points out quite rightly that the fact that in disputing the validity claims of truth, normative rightness and authenticity [Wahrhaftigkeit], we must nonetheless apply precisely these norms to our dispute - this does not entail any foundation, much less a final foundation for these validity claims. This could be interpreted as a transcendental-logical mistake by K. O. Apel. For Habermas, however, this shows only that we actually have no alternatives in argument. The validity claims are 'pragmatic universals'. His critique of Apel does not imply that the validity claims are not valid.

b) The separation of questions of justice (that, as moral (and legal) questions are, suitable questions for practical discourse) from those questions concerning individual ways of life is based on the presupposition that only intersubjective conflicts are relevant for morality. For Habermas, the process of self-understanding and self-determination [Selbstverständigung] of subjects in choosing their way of life is not an issue for moral theory. But it is in fact a point in question as to whether just here are connections that are difficult for a moral theory to avoid. From Habermas's point of view, subjects' plans for their individual ways of life and their self-conceptions are connected with moral theory not only through possible conflicts but through the intersubjectivity of the process of establishing one's identity and sense of self. Habermas recognizes that conditions of the lifeworld must cooperate with moral theory if they are to allow us be moral subjects at all. And so he criticizes all 'individualistic reductions' of morality, such as Rational Choice theory. But Habermas also decisively abandons the notion that morality relies upon a shared, substantial consensus. Communitarian thinkers such as Michael Walzer and Charles Taylor have been considering in what respect this could diminish, however, willingness to participate in practical discourse and to perform the perspective-taking required by discourse ethics. One way to enable autonomous subjects' self-understanding and self-determination is the democracy model of civil society in *Between Facts and Norms*. The formality of discourse ethics is consistently continued here in Habermas's theory of political order.

c) Habermas thinks of the principle of discourse and the image of the ideal discourse as criteria for selecting in a negative way. This is one ground of the fallibilism to which discourse ethics lays claim. But because Habermas himself is considering the institutionalization of discourses - criteria for a negative selection aren't sufficient. There is a need for developing positive criteria for making those institutions possible. And here is - from my point of view - the greatest potential of the discourse ethics. As shown in the so-called mediation procedure [Mediationsverfahren] the principles of discourse can be applied in the form of argumentation rules for finding solutions for limited domains, for concrete questions and for different interests. The discourse ethics is not an ethics that gives norms for every moral conflict that might arise, for example in biotechnology, etc. But the discourse ethics is effective in providing tools for a communicative framework in which political and moral conflicts are resolved.

Conclusion:-

Discourse ethics provides an approach to an ethical issue, but not a proscribed resolution to that issue. It is not possible to take an ethical issue and turn to discourse ethics for a clear resolution. Furthermore, the inherently communal nature of discourse ethics does not provide the individual with a means by which to comprehend personal moral choices. Discourse ethics simply does not function in that manner. Instead, it provides a formalized approach to ethical decision-making that can be employed in order to assist a group of individuals to come to a mutually acceptable resolution to the issue at hand.

It must be kept in mind when considering its application is that it runs contrary to most other forms of ethical decision-making. It changes the role of the ethical 'professional' by making all members of the dialogue equally 'professionals'. Discourse ethics that must be recognized when considering application is that there is a notion of freedom coupled with empathy that is intrinsic to the theory. Discourse ethics is first and foremost about raising validity claims, justifying those claims, and then testing those claims against a principle of Universalization. The final goal is to reach a mutually satisfying agreement.

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