

On the Epistemic Grounds of Moral Discourse and Moral Education: An Examination of Jürgen Habermas's "Discourse Ethics"

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It is today customary for educators and philosophers to maintain that the learning of certain fundamental normative principles — such as fair treatment, respect for the equality and dignity of individuals as rational persons, the fostering of autonomous and critical reflective judgment, reciprocity of rights and obligations, mutual recognition of informed interests and well-being — comprises an essential form of internalization or appropriation of values that must be aimed at by any genuine form of moral teaching. These principles, it is claimed, are constitutive of the very sense of morality as a normative framework and coming to learn what they mean and do is a requirement of any justifiable conception of the enterprise of moral education. To assert these views is, of course, one thing; to justify them in a non-circular manner is another. The question of justification is philosophically and educationally vital here since we understand the morality of judgment and action to be conceptually linked to the justification of beliefs and conduct in distinctly moral terms. I want to argue here that morality — understood in normative rather than simply descriptive terms — is inescapably and at its core an epistemic enterprise. Minimally, to normatively claim that an action is morally justified is to claim it is the morally right thing to do in virtue of its permissible, obligatory or altruistic character given the circumstances. And to claim moral rightness is to claim that one is justified in making that claim. Hence, to fail to justify the second-order principles and norms appealed to within the justification of first-order beliefs and judgments is to fail to satisfy an essential requirement of both morality and its respectful transmission to others within educational contexts.

What I believe is distinctive and important about Jürgen Habermas's recent work on a "Discourse Ethics" is that he takes this epistemic matter seriously. He attempts to show that the principles and norms constitutive of moral judgment and deliberation possess their justifiedness in virtue of their universal and necessary epistemic function and presupposed status within moral discourse or deliberation. Habermas thus appeals to the immanent role of certain distinct norms that are epistemically required within the unique practice of giving and assessing reasons ("making and redeeming validity claims") as grounds of their justifiedness. In the course of his account, Habermas provides not only important arguments for the view that the grounds of moral authority and rightness are epistemic in nature but also educationally relevant insight into why the internalization of a particular set of epistemic norms and principles must be viewed as a necessary condition of the development of abilities and dispositions inherent within "the moral point of view." As Habermas writes, conditions of moral maturity "are satisfied only by the complete internalization of a few highly abstract and universal principles that, as discourse ethics shows, follow logically from the procedure of norm justification."¹

In this essay, I want to sketch out some of the major features of Habermas's Discourse Ethics as they pertain to these two matters. In light of limitations of space, my focus will have to be on providing a comprehensive overview of the relevant principal claims of Habermas's project rather than on a detailed examination of arguments put forward on their behalf. As Habermas's most recent work has as yet not received systematic examination in the English-speaking world of philosophy of education, such a focus will also serve as a contribution to an understanding of the general aims of Discourse Ethics as viewed from the perspective of moral education.²

Initially, it would appear that the cards are stacked against the success of the kind of project Habermas sets for himself. As the oft-rehearsed postmodernist narrative goes, contemporary life is coped with under conditions of globalization and radical pluralism. Not only do we encounter varying and competing conceptions of the grounds of moral authority to be embedded within incommensurable ethical, religious, and metaphysical worldviews, but we also find radically different understandings of the meaning and pursuit of truth and rightness, rationality, and justification. On such premises, there is no universally binding "transcendent good" that is able to serve justifiably as the necessary, trans-cultural epistemic ground of moral authority and rationality.³ Consequently, any attempt to derive the normative grounds of moral authority from supposedly necessary epistemic conditions of claims to moral rightness would seem to be but a hopeless effort of resuscitating a long-discredited version of moral theorizing along the lines of traditional Kantian deontology.⁴

While Habermas's Discourse Ethics definitely remains an interpretive version of Kant's moral theory, the project eschews Kant's transcendental starting-point in the "fact of reason" and begins with a clear recognition of what we can call the "fact of disagreement." Disagreement on the moral rightness of norms and judgments is recognized by Habermas to comprise a pervasive feature of the evolution of societies into their modernized pluralist form. Importantly, however, modern pluralism also displays within such disagreement a factor itself necessary not only for the very possibility of such disagreement but as well for the possibility of rationally motivated agreement. This is precisely the universal practice of giving and assessing reasons for the validity claims raised within argumentation. Despite the lack of convergence in fundamental beliefs and values, we continue not only to argue for the political expediency or prudential stabilizing value of our commitments and pursuits but we persist as well in presenting and assessing reasons specifically for the truth or moral rightness of judgments made, actions performed, and policies adopted. Habermas writes:

Only in modern societies do cultural traditions become reflective in the sense that competing worldviews no longer simply assert themselves against one another in noncommunicative existence but are compelled to justify their claims to validity self-critically in the light of argumentative confrontations with the competing validity claims of all others.⁵

Habermas's Discourse Ethics attempts a reconstruction of the necessary epistemic conditions or presuppositions of argumentation with the aim of identifying the common epistemic ground that all rational speakers and actors must and do accept

in performatively engaging in the activity of giving and assessing reasons. Argumentation or discourse aims at resolving disagreement or conflict through dialogical means rather than through aggression, violence, or even more subtle means of bargaining, compromise or influence deployed in strategically ensuring the maximization of one's own interests and ends. "The missing 'transcendent good,'" Habermas writes, "can be replaced in an immanent fashion only by appeal to the intrinsic constitution of the practice of deliberation [as discourse or argumentation]" (*GA*, 40-41). It is specifically to the procedural form of discourse as a practice aimed at impartial justification and conflict resolution, rather than to any substantive moral or political content, that Habermas appeals in reconstructing universal epistemic grounds of moral rightness (*GA*, 40-41). Before looking at the epistemic conditions Habermas sets out, let me highlight in general terms what Habermas considers to be epistemically immanent within the practice of giving and deliberating about reasons for normative validity claims. This will help us understand what is perhaps the central claim of Discourse Ethics: "[A]rgumentation leaves participants without a choice; just in virtue of undertaking to engage in such a practice as such, they must accept certain... presuppositions of communication" (*JA*, 31).

Reasons function to provide justification or warrant for the truth or rightness of claims and judgments. A good or sound reason relevantly contributes to the justifiedness of belief or conduct. Good reasons possess high epistemic worth or "probative force," as Harvey Siegel would say, in providing warrant necessary for motivating rational acceptance and agreement.⁶ In providing reasons for a belief or course of action, we claim that the justification being proffered is not arbitrary or biased. Justificatory force or warrant is established not through the mere fact that I or my tribe claim reasons to be good ones nor is it established simply because the conclusions for which reasons are given express beliefs or policies instrumental to the attainment of a particular set of interests and ends. From the moral point of view, the impartiality or objectivity of reason giving and assessing precludes all such non-epistemic reasons. The coherence of reason giving and assessing as a social practice would not be possible if the goodness or soundness of reasons were not understood to bear the possibility of transcending contextualization by extant ends and beliefs possessed by certain groups and particular interests but not others. As well, argumentation proceeds in cognizance of the distinction between, as Habermas puts it, "motivation through reasons and causal exertion of influence."⁷ It is guided solely by "agreement motivated by epistemic reasons" or "the unforced force of the better argument" and, as such, engagement within such a practice "neutralizes all motives other than that of the cooperative search for truth" (*GA*, 40-41).⁸

For Habermas, epistemic(ally worthy) reasons for claims to moral rightness must accord with universality as a necessary condition of their intelligibility and justifiability. To believe coherently and consistently that one has justifiable warrant, sound reasons for the truth or rightness of C (a judgment or maxim) is to believe that anyone placed in relevantly similar circumstances as oneself would be equally justified in concluding C on those same reasons. As such, in deliberating upon moral rightness there is no such thing as "private justification" — justification able to provide good or sufficient warrant just for me or my tribe. Warrant or evidence

provided in moral justification must in principle be intelligible and convincing to all affected by the judgment or maxim in question. In actual fact, others may disagree with the justifiability of my reasons. But in virtue of the nature of argumentation as an epistemic practice, they would be expected to provide reasons in justification of an alternative course of action. And those reasons and/or conclusions would equally be required to abide by the condition of universality, universal applicability to relevantly similar circumstances and similarly situated persons. What epistemically could *not* be the case within coherent reason giving is to claim that C is morally justifiable (in other words, right, permissible, true, obligatory, forbidden, and so on) for me but not for anybody else given relevantly similar circumstances and access to the same evidence and warrant. Despite the fact that reasons and conclusions always originate at some particular time and place, validity claims, as Habermas writes, are “context-transcending.” Epistemically, the giving of moral reasons is assessed for its trans-subjective and trans-historical validity. As Habermas writes:

[T]rue or correct statements are not valid just for you or me alone. Valid statements must admit of justification by appeal to reasons that could convince anyone irrespective of time or place. In raising claims to validity, speakers and hearers transcend the provincial standards of a merely particular community of interpreters and their spatio-temporally localized communicative practice” (JA, 52).

Habermas reads the epistemic condition of universality to entail a discursive re-interpretation of Kant’s criterion of universalizability. Universalizability is now understood not in the “monological” terms of what a solitary individual agent could herself will to be a universal law but rather in the dialectical or “dialogical” terms of what all could jointly will in common. The epistemically required aim of deliberations on the moral rightness of norms and judgments pursued in discourse is that “[e]veryone must be able to will that the maxims of our actions should become a universal law (JA, 81). In other words, a necessary epistemic condition of the validity of moral rightness claims is agreement on what all could will in common as a generalizable policy in the equal or common interests of all (JA, 24, 29 and GA, 31). Here the dialogical perspective is central:

[T]he universalization test calls for a form of deliberation in which each participant is compelled to adopt the perspective of all others in order to examine whether a norm [or judgment] could be *willed from the perspective of each person*. This is the situation of a *rational discourse* oriented to reaching understanding in which all those concerned participate (GA, 33).

Universalizable policies and judgments can only be attained through a form of reciprocal role-taking in which each participant is required to assess and perhaps revise her conception of her own interests and those of others in light of the common aim of reaching an agreement in the equal or common interests of all. This activity of “checking and reciprocally reversing interpretive perspectives under the general communicative presuppositions of the practice of argumentation” clearly entails the obligation that all participants, including those who would be affected by the results of deliberation, be respected as equals (JA, 52). Despite the addition of a “dialogical” dimension, Habermas’s universalization test retains its Kantian ancestry in intending to avoid agreement on policies that contradict the criterion of universalization. Quoting Patzig, Habermas maintains that the discursive aim is to guard against “that

inner contradiction which promptly arises for an agent's maxim when his behavior can lead to its desired goal only upon the condition that it is not universally followed."⁹ Caring about whether I am illegitimately exempting myself from a policy which the attainment of my own ends requires others to abide by is a matter of respecting other person's interests as having equal value to one's own. This comprises a commitment to the premise that all persons are of equal worth as persons. All persons as such possess a dignity we are obligated to respect and promote. Any judgment contradicting such respect forfeits all claim to moral rightness — even if the judgment is right, good or appropriate on other grounds, such as prudential exigency or accordance with conventionally accepted authority.¹⁰ Let us now turn to consider how in Habermas's account the epistemic conditions of universalization and equality serve to ground certain specific rights and obligations governing autonomous engagement in argumentation.

Habermas's most recent statement of the nature and status of discursive rights and obligations is as follows:

1. Nobody who could make a relevant contribution may be excluded. All competent speakers and actors are permitted to take part in discourse. Practical discourses are public in nature.
2. All participants are granted an equal opportunity to make contributions. Everyone is allowed to question any assertion whatever, to introduce any assertion whatever into the discourse and to express his attitudes, desires and needs. The equal communicative rights of all participants ensures that only reasons that give equal weight to the interests and evaluative orientations of everybody can influence the outcome of practical discourses.
3. Participants must mean what they say.
4. Communication must be freed from external and internal coercion so that the "yes" or "no" stances that participants adopt on criticizable validity claims are motivated solely by the rational force of the better reasons. The absence of coercion and deception ensures that nothing but reasons can tip the balance in favour of the acceptance of a controversial norm or judgment.
5. On the assumption that participants reciprocally impute an orientation to communicative agreement to one another, this uncoerced acceptance can only occur jointly or collectively (*GA*, 44).¹¹

Habermas views the statement of these conditions to comprise a fallible theoretical reconstruction of the intuitive know-how displayed by competent actors and speakers performatively engaged in argumentation.¹² They are as such pragmatically necessitated by discourse and not transcendental or a-priori conditions of its possibility in a Kantian sense.

Central to our purposes here is Habermas's claim that these rights and duties are originally not substantive moral rights and duties but rather, as epistemic conditions, they comprise "argumentative duties and rights" (*GA*, 44-45). Their necessity and universality is tied to the fact that discourse constitutes a unique and irreplaceable practice or language-game. Habermas insists there are no possible alternatives,

substitutes or “functional equivalents” to the procedures and rules, rights and duties, conditioning the possibility of discourse (*GA*, 43)¹³ Consequently, as interlocutors practically engaged in deliberation, our “acceptance” of them is unavoidable and inescapable (*JA*, 83)¹⁴

What I take Habermas to mean here is that if argumentation could take a variety of different forms, each differing in its respective account of presupposed rights and duties, interlocutors’ participation in discourse would then allow for choice as to which set of rules and procedures to abide by. Habermas’s thesis of the unique and irreplaceable character of discourse intends precisely to close off that possibility. The thesis also functions to show that discourse comprises a universal practice not dependent upon historical or cultural variation. The fact that discursive argumentation only arose at some particular time and place does not contradict the claim to universality of the practice itself since a practice that has no functional equivalent, for which there is no alternative, is one that is played in the same way by all participants regardless of time and place at which the practice occurs or has originated. Had the practice originated earlier/later or somewhere else, it would remain the distinct practice it is and we understand it to be.

As already mentioned, Habermas identifies the epistemically presupposed duties and rights interlocutors possess and respect within discourse as argumentative duties and rights to be differentiated from substantive moral duties and rights. For Habermas, while these latter take the form of universally or categorically valid norms governing agents’ actions across all social contexts of judgment and action, this is not the case with the duties and rights structuring argumentation (*GA*, 44–45). Habermas emphasizes that the epistemically required rules and procedures of discourse — inclusivity, equality and reciprocity in rights to and of participation, domination-free deliberation — simply stipulate in formal procedural terms that access to discourse is unrestricted and must take a certain form. Habermas writes:

So too, the absence of coercion refers to the process of argumentation itself, not [necessarily] to interpersonal relations *outside* of this practice. These constitutive rules of the language-game of argumentation govern the exchange of arguments and of “yes” or “no” responses — they have the epistemic force of enabling conditions for the justification of statements but they do not have any *immediate* practical effects in motivating actions and interactions outside of discourse (*JA*, 33).¹⁵

As a participant within argumentation, I performatively must and do recognize the principle of freedom of opinion as an epistemic condition of rational justification of moral rightness. But this recognition and accordance does not necessarily generalize across all contexts of action I engage in as an agent.¹⁶ The validity of this norm as a general moral obligation requires justification and such justification cannot be attained via appeal to its presupposed status within discourse: “It is by no means self-evident that rules that are unavoidable within discourse can also claim validity for regulating action outside of discourses.”¹⁷ For Habermas, interlocutors performatively engaged in argumentation are subject to an obligation or a “must” only in the sense of “weak transcendental necessitation”; this is not the prescriptive moral “must” or “ought” of a moral principle of action understood deontologically as the normative validity of a moral command (*JA*, 81).¹⁸ What appears to be

Habermas's fundamental reason for the argument that epistemically presupposed rights and obligations comprise conditions that are not in themselves substantive moral norms or values, and that there is no necessary generalization of an epistemic norm to the status of a moral norm, is that "presuppositions of rationality do not impose obligations to act rationally; they *make possible* the practice that participants understand as argumentation" (JA, 31). Consequently, "the supposition of [epistemic] rationality does not mean that the other feels obligated to obey [moral] norms; she is merely imputed to have knowledge of what it means to act autonomously."¹⁹

Within the remaining space, let me conclude with an interpretive formulation of a couple of the important implications of Discourse Ethics for our understanding of the nature of moral autonomy or maturity as a universally valid aim of moral education.

Central to Discourse Ethics is the view that the development of moral maturity primarily requires not the transmission or internalization of specific substantive moral values but rather the fostering of a procedural understanding of what is epistemically entailed by the responsible holding of a moral belief or judgment. To believe and to judge responsibly is to believe and judge on the basis of reasons. Our moral concept of responsibility, like that of autonomy, is rooted in the epistemic requirements of coherent and justifiable belief. To give reasons responsibly within deliberation is to abide by a set of "argumentative rights and duties" accepted not in virtue of their expression of an already-accepted extant ethical code, cultural tradition or political order but rather in virtue of their universally necessary status as epistemic conditions or presuppositions of inquiry into moral rightness and justifiable intersubjective agreement on it. Reciprocally recognized rights to and of participation in discourse, symmetrical and equal respect for personhood displayed by interlocutors deliberating towards a universalizable policy and interest, comprise universally valid principles to be appropriated within moral learning in that the correlative abilities enable a strictly procedural and impartial perspective from which persons' and groups' interests, values, and claimed needs can be comprehensively identified and properly assessed. Epistemic responsibility requires a wide range of perceptual and cognitive abilities: empathy or "hermeneutic interpretation," dialogical attunements and sensibilities, abilities at role-taking, abilities for the (perhaps temporary) suspension of commitments to substantive values acquired via one's socialization into a community, as well as general cognitive and logical reasoning skills called for by assessments of universalizability of maxims and other forms of competent argument analysis.

Given the contingent, not necessarily generalizable, relationship between, on the one hand, abilities, rights and duties presupposed by discourse, and, on the other, action and judgment outside of discursive contexts, two dispositions of character (in differentiation from abilities or skills) are of central importance for moral learning: the disposition for engaging in argumentation at the appropriate times, and the disposition to treat all others in accordance with discursive criteria across one's actions and beliefs. Such character dispositions, however, cannot be formed simply through the appropriation of the norms and principles of argumentation. Habermas

is quite clear that philosophy alone cannot transform criteria of rationality into moral obligations for us. Philosophy can only offer reconstructions of the moral point of view in epistemic terms. Existential transformations transcend the limits of philosophy itself, leaving each of us ultimately alone to determine for ourselves how to be moral here and now.²⁰

1. Jürgen Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber (Cambridge: MIT Press, 1990), 183.

2. In this connection a good overview of the relevance of Habermas's recent work to the reconstruction of abilities required for moral maturity is Robert Young's "Habermas and Education" in *Perspectives on Habermas*, ed. Lewis E. Hahn (Chicago: Open Court, 2000). An insightful recent paper is Benjamin J. Endres, "Beyond Instrumental Literacy: Discourse Ethics and Literacy Education," in *Philosophy of Education 1998*, ed. Steven Tozer (Urbana, Ill.: Philosophy of Education Society, 1999). An interesting and well-informed application of Discourse Ethics to the formation of classrooms as communities of ethical inquiry is Tim Sprod, *Philosophical Discussion in Moral Education: The Community of Ethical Inquiry* (London: Routledge, 2001).

3. This view is comprehensively articulated by Richard Rorty in a number of his essays. Two essays of particular importance to his disagreements with Habermas are Richard Rorty, "Human Rights, Rationality and Sentimentality," in *Truth and Progress: Philosophical Papers, Volume 3* (Cambridge: Cambridge University Press, 1998); and, Richard Rorty, "Universality and Truth" in *Rorty and His Critics*, ed. Robert Brandom (Malden, Mass.: Blackwell, 2000).

4. For developments of this criticism along Aristotelian lines see David Carr, *Educating the Virtues: An Essay on the Philosophical Psychology of Moral Development and Education* (London: Routledge, 1991). See also *Virtue Ethics and Moral Education*, ed. David Carr and Jan Steutel (London: Routledge, 1999).

5. Jürgen Habermas, *Justification and Application: Remarks on Discourse Ethics*, trans. Ciaran Cronin (Cambridge: MIT Press, 1993), 181. See also Jürgen Habermas, "A Genealogical Analysis of the Cognitive Content of Morality," in *The Inclusion of the Other: Studies in Political Theory*, trans. and ed. C. Cronin and P. De Graff (Cambridge: MIT Press, 1998), 39. These books will be cited as *JA* and *GA*, respectively, in the text for all subsequent references.

6. I believe the most comprehensive and rigorous account of the nature and role of reasons in an educational context remains the one developed by Harvey Siegel. See especially Harvey Siegel, *Educating Reason: Rationality, Critical Thinking, and Education* (London: Routledge, 1988) and Harvey Siegel, *Rationality Redeemed? Further Dialogues on an Educational Ideal* (London: Routledge, 1997). I regret I cannot pursue here some important differences between Siegel's and Habermas's accounts of the nature of justification.

7. Jürgen Habermas, "Richard Rorty's Pragmatic Turn," in Brandom, *Rorty and His Critics*, 377.

8. See also Habermas, *Moral Consciousness*, 89.

9. *Ibid.*, 63-64.

10. I attempt an articulation of Kant's universalization test in Walter Okshevsky, "Kant's Catechism for Moral Education: From Particularity through Universality to Morality," *Philosophy of Education 2000*, ed. Lynda Stone (Urbana, Ill.: Philosophy of Education Society, 2001).

11. This list is collated also from Habermas, *Moral Consciousness*, 89 and, Jürgen Habermas, "From Kant's 'Ideas' of Pure Reason to the 'Idealizing' Presuppositions of Communicative Action: Reflections on the Detranscendentalized 'Use of Reason,'" in *Pluralism and the Pragmatic Turn: The Transformation of Critical Theory*, ed. W. Rehg and J. Bohman (Cambridge: MIT Press, 2001), 34. Numbering is mine. Minor changes have been made.

12. Habermas, "Reflections on the Detranscendentalized 'Use of Reason,'" 37.

13. *Ibid.*, 14 and Habermas, *Moral Consciousness*, 92.

14. Habermas maintains that to deny or contradict an epistemic presupposition of discourse is to commit a "performative self-contradiction." See Habermas, *Moral Consciousness*, 80-97.

15. Also see Habermas, "Reflections on the Detranscendentalized 'Use of Reason'," 23.
16. The view that discourse need not and should not be generalized across all contexts of action and teaching is argued in Nigel Blake, "Ideal Speech Conditions, Modern Discourse, and Education," *Journal of Philosophy of Education* 29, no. 3 (1995): 355-67.
17. Habermas, *Moral Consciousness*, 86.
18. For criticisms pertaining to circularity and ethnocentric bias in Habermas's Discourse Ethics, see Agnes Heller, "Habermas and Marxism," in *Habermas: Critical Debates*, ed. John B. Thompson and David Held (Cambridge: MIT Press, 1982); William Rehg, *Insight and Solidarity: The Discourse Ethics of Jürgen Habermas* (Los Angeles: University of California Press, 1997; and Seyla Benhabib, *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory* (New York: Columbia University Press, 1986).
19. Habermas, "Reflections on the Detranscendentalized 'Use of Reason,'" 23.
20. I am very grateful to Michael J.B. Jackson for his insightful critical commentary on a previous draft of this paper. That draft was presented at the Winter Philosophy Colloquium Series, Department of Philosophy, Memorial University, February 2003 and I thank the faculty and students who engaged me in that very useful seminar. All errors remain my own.