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Is a Formal Ethics of Justification Enough for Morality? Response to Prof. William Rehg

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Prof. Rehg gives us in his paper an original perspective to bridge the work of Bernard Lonergan and Jürgen Habermas. It is not a “Habermasian perspective on Lonergan” or “Lonergan v. Habermas.” Instead, Prof. Rehg thinks with both thinkers and offers a substantial contribution to the delineation of the field of morality.

I would like to bring one issue to the fore and hear what Prof. Rehg has to say about it given his expertise in Habermas and Lonergan and his substantial body of publications in this area. The issue that is of interest to me can be formulated in the form of two interrelated questions: is the qualification of a deed as moral an intrinsic property of a deed or is the qualification of a deed as moral the result of a process of justification so that it is this justification that determines whether deeds and actions are moral or not? The second question concerns the process of justifying the moral character of a deed or an action: is this process finite in time with in principle a possible endpoint, even if empirically rarely reached, or is the very notion of an endpoint meaningless because the very morality of a deed or an action only resides in the process of justification itself? What motivates my question is Habermas’ basic framework that he himself calls a “discourse” ethics, sometimes translated as “ethics of discussion.” Discourse ethics starts with accepted rules and norms that hold in a community where they have a *Geltung* in the sense that they are accepted. What discourse ethics does is to test the validity – the *Gültigkeit* – of these rules and norms. Thus, regarding my first question about the intrinsic moral nature of a deed or an action, it seems at first glance that for Habermas, since the focus is only on justification, the specifically ethical character of a deed or action does not really arise or does not really matter: people will decide the matter, and the qualification of something being moral can change in the course of time. What is morally valid is the result of the procedures that people follow in order to reach their decision. Discourse ethics only guarantees that procedures have been established to insure that all relevant participants have been part of the discussion and that the rules of argumentation have been followed to weed out biases, ideological tendencies, intimidation and any coercive means. In the example Prof. Rehg gives of the invasion of Iraq it would mean that discourse ethics cannot tell us whether the series of acts and deeds itself was or was not moral or ethical. Discourse ethics can only make a pronouncement on the methods used for reaching a decision and engaging in those deeds and acts. Although for Habermas morality is not a matter of factual consensus in the sense that an

empirical majority would determine what is moral and what is not, still, morality remains the determination of an idealized consensus: what Habermas calls the “ideal speech situation,” a notion he borrows from his friend and colleague Karl-Otto Apel, who speaks of an “ideal communication community.”

The fact that we start with human interactions and practical discourses and, from within, test the moral validity of norms has a significant consequence for the status of what is moral. It is not an object of discovery such that philosophy, for example, would unveil or analyze pre-existing moral problems. Morality is a construct. As Habermas puts it in *Truth and Justification*, “the moral universe loses the appearance of an ontological given and comes to be seen as a construct” (263). It is precisely the business of discourse ethics to protect the construction of morality from being a fabrication at the whims of individuals. As Apel says, it is not up to philosophers to determine what is moral about our treatment of the environment. Philosophers can only make sure that the debates about determining what is moral are conducted in an ethical way, the outcome being the result of the consensus that will form in the community at large. Even when Apel parts company with Habermas and believes in the possibility of an ultimate foundation for ethics, he means an ultimate foundation for the justification of moral claims, not an ultimate foundation for what is ethical.

Prof. Rehg shows how Lonergan’s views can be made compatible with Habermas’ communicative and discursive ethics. This entails a reformulation of “what is good” in terms of “what is justified as good” or “what is claimed to be good.” In more general terms, it would mean a redefinition of morality with the qualifier: “justified by concrete individuals in specific discursive procedures as true or morally good.”

This is, I think, what Prof. Rehg attempts to do in his more robust reformulation and expansion of Habermas’ Universalization principle. Prof. Rehg writes: “A moral norm N is justifiable on the basis of good reasons only if ...” and he lists three conditions. This reformulation in fact amends and complements Habermas’ views in two respects. The first modification consists in bringing together what Habermas calls the Universalization principle (U) and the discourse principle (D). In his own words from *Moral Consciousness and Communicative Action* of 1990 Habermas formulates the discourse principle in a minimal way: “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” (66). This Discourse principle in fact presupposes the principle of Universalization (66), which is what Habermas characterizes only as “a rule of argumentation that makes agreement in practical discourses possible whenever matters of concern to all are open to regulation in the equal interest of everyone” (66). If we take a controversial example like female circumcision that is acceptable in many

countries and considered mutilation in many other countries, the principle of Universalization only states that proponents and opponents share the same grammar of justification and can justify the choice of their norm so that opponents and proponents can engage in a conversation. At the level of U there is no mutually accepted “norm” yet. It is only through the principle of discourse ethics (U) that we have a criterion for what will be a norm. And this is the second amendment or complement Prof. Rehg makes to Habermas’ views. For Prof. Rehg starts with the existence of a moral norm and asks whether and how it is justifiable. Habermas starts with conversation about existing norms that have a *Geltung* – that are accepted and thus justified on some grounds – and, through argumentation, ends up with a norm justified as valid. The validity of a norm for Habermas is the product of the argumentation, because “valid” does not mean anything else or more than “justified according to the rules of argumentation.” Even if it is in an idealized speech situation it will be a matter of consensus whether female circumcision is a valid moral norm or not.

Now, where would Lonergan stand on this issue? Would he agree that, as Habermas puts it in *Truth and Justification*, “the meaning of [moral] ‘rightness’ consists entirely in ideal warranted acceptability” (248) because discourse ethics is, as Habermas emphasizes it, “*formal*, for it provides no substantive guidelines but only a procedure” and such a procedure “is not a procedure for generating justified norms but a procedure for testing the validity of norms that are being proposed and hypothetically considered for adoption” (*Moral Consciousness*, 103)? Thus, norms do not transcend the community or communities of subject and do not supervene on such communities. The only element that is transcending and as such is a quasi-transcendental is the claim to validity that is inscribed in any speech act or action. However, it is merely a formal claim that has no content. The claim to truth or the claim to rightness do not commit me to a particular theory of truth (correspondence, coherence, pragmatic, feminist, etc.) and the claim to rightness does not commit me to support or oppose female circumcision. These claims only bind me to justify what I say and what I do if prompted with regard to the truth and the moral rightness of the matter, whatever these may be.

This leads to my second – shorter – question whether there is an endpoint to the conversation and a final decision about what is moral. Prof. Rehg speaks of “invulnerable” deliberative judgment and shows that for Lonergan the criterion is not merely that there are no more questions for me. In this sense the proviso that, according to Lonergan, we have to talk things over opens the door to a bridge with discourse ethics or second person ethics. However, it is not clear to me that for Habermas the very notion of an “invulnerable judgment” is a relevant one. It will always be a matter of consensus and thus the very possibility that there would be an end to the discussion goes against the open-ended discussion. While Apel’s

notion of “communication community,” which is the basis of Habermas’ notion of “idealized speech situation,” comes from Charles Sanders Peirce, there is a significant difference. Peirce appealed to the ideal community of investigators to determine the truth of scientific achievements but saw the actual process of striving toward that ideal as a constant approximation and, as such, a progress toward the ideal. For Habermas and Apel the ideal speech situation is only a regulative idea that functions as a counterfactual that is always already presupposed by the very rules of argumentation. It is only because there is at the core of everything we say and do several claims to validity that there is something like truth and rightness or morality. We thus cannot start by asking what the truth of the matter is or what morality is as if what is true or what is moral had any intrinsic status and pre-existed the people who engage in interactions where the issues of truth and morality arise. The ideal is a transcendental pragmatic argument. It is the conflict or the irresolution of, for example, female circumcision that causes moral beliefs of either side to lose their self-evidence for their respective group and, in principle, forces the two groups into a discussion about whether or not it is indeed moral. However, what forces a moral belief to falter is not the truth of the matter or the intrinsic value of the practice of female circumcision. As Habermas says, “moral beliefs do not falter against the resistance of an objective world that all participants suppose to be one and the same. Rather, they falter against the irresolubility of normative dissensus among opposing parties in a shared social world” (*Truth and Justification*, 256).

What is idealized for Habermas and thus final in some sense is only the process of argumentation regardless of what the judgment or judgments may be. In the domain of morality, Habermas claims, “there are always better and worse reasons; there is never the ‘one and only right’ reason” (*Truth and Justification*, 273).

I would enjoy hearing what Prof. Rehg thinks about these questions and thank him for substantial and stimulating paper.