

## HOW TO GROUND A UNIVERSALISTIC ETHICS OF CO-RESPONSIBILITY FOR THE EFFECTS OF COLLECTIVE ACTIONS AND ACTIVITIES? \*

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### I. Introduction

My paper deals with a problem that defies rather than fits the division into *private* and *public morality*. Nonetheless, I hope that it makes a contribution to our conference.\* What I want to bring up for discussion is the urgent need for a novel concept of *responsibility*: a concept that neither can be reduced to *individual accountability* nor allows for the individuals unburdening themselves from personal responsibility, by, e.g., shifting it into institutions or social systems. I suppose that the novel problem has emerged as a consequence of the human situation in today, and I would provisionally define it as that of *everybody's co-responsibility for the effects of collective actions or activities*.

In what follows, I will *first* try to phenomenologically elucidate the completely novel challenges to human responsibility that have been brought about by the present stage of socio-cultural evolution.

In the *second* part of my paper, I will show that there are in fact old problems of public or collective responsibility and some classical devices for their solution. But I will show as well that the old problems have reached a novel moral quality and that the classical solutions are no longer morally satisfactory. Current types of ethics fail to cope with the novel problems of co-responsibility.

In part *three* of my paper, I will try to show that a *transcendental-*

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*pragmatic* foundation of *discourse ethics* can lay open the roots of the undeniable phenomenon of our *having acknowledged global co-responsibility*. Thus discourse ethics can ground, I shall claim, the actually required novel type of ethics.

## II. *Novel problems of moral responsibility as results of socio-cultural evolution.*

The completely novel challenges to human responsibility have been brought about, it seems to me, through interconnected socio-cultural processes: On the one hand, there is the constant growth of the range and efficacy of human technological power based on scientific progress. The aspect of evolution, which amounts to increasing the effects and risks of our actions and activities, can and must of course be further differentiated into a variety of dimensions: by distinguishing between our *interventions into nature* as e.g. the agricultural revolution or the emissions of industry and traffic — and, on the other hand, *technological changes within the realm of human social relationships*, ranging from the technology of warfare through communication technology up to the technological rationalization of organization in administrative bureaucracy and economy.

These latter application fields of *social technology* help us to conceive of quite another dimension of socio-cultural evolution that also has led to completely novel challenges to moral responsibility. For the applicability of modern technology to the social dimension is interdependent, it seems to me, with the simultaneous process of the so called *differentiation of social life into functional-structural social systems* or, respectively, *sub-systems*, as e.g. political administration, law, economy, education, science. In order to realize the novel problems of ethical responsibility that are brought about by this second dimension of socio-cultural evolution, we have first to reflect on the following fact: The human *institutions* as crystallization of social life have throughout history been the main focal points for the formation and differentiation of *moral norms* from the background of the customs and habits of the *life world*. But now, I want to assert, precisely these *institutions*, as they have developed into large and complex functional-structural systems, which are governed, by their specific types of *systems-rationality*, have themselves become a novel type of challenge for our ethicopolitical responsibility.

Let me explain:

Today we have become responsible not only for the risky effects and side-effects of all the different actions or activities of science-based technology, but even for the complex *institutions* or rather *social systems* that, up to now, have mainly steered or regulated our professional responsibilities. Thus, on the level of a *post-conventional* or *Post-traditional* form of morality, we have become responsible not only for the particular form of government or administration we have — each of us in his or her country-, but also, for the appropriate attempts of organizing a global order of international law and political cooperation, and beyond that even a global economic order that could deal with problems like that of providing just framework conditions of the *terms of trade* between the *first world* of rich countries and the *third world* of mostly extremely poor countries. The same holds with regard to our responsibility for all the technological, economical, and political activities of the national industries and the multinational organizations in the face of the so called *ecological crisis*.

In which respects do the results of the two kinds of processes I have mentioned create completely novel problems for ethics? Which are the specific features of these problems?

Provisionally, I would answer as follows:

For the *traditional* or *conventional* types of morality, at least *three dimensions* of difficulties are linked up with the novel problems I have pointed out.

*First*, there is the enormous *range* and *scope* of those actions or activities that are made possible by science-based technology. Since their effects and side-effects transcend every *face to face encounter* with the affected human persons, it becomes very difficult to compensate for this *loss of proximity* to one's fellow human beings, say, through imagining what they might have to *suffer* from our actions or activities.

A famous example, in this context, was already the dropping of atomic bombs on Hiroshima and Nagasaki; although, from hindsight, it was no longer so difficult in this case to imagine what happened to the affected people down the cities. More difficult than imagining the effects of nuclear bombs or rockets appears to me imagining the ecological effects and side-effects of industrial emissions into the air or the rivers or the ocean; and even this seems to me to be easier for the laymen than imagining the economic effects and side-effects of our ordinary actions

like producing and consuming goods, considered, as it is necessary today, within the whole context of the global system of trade, say between the *first* and the *third world*. If we believe the Latin-American representatives of the so called *dependency* theory, then the transactions of trade between the *first* and the *third world*, which are said to be still regulated by neo-colonialist terms of trade, amount to a scandal of unjust exploitation and thus have become the main cause of the impoverishment of millions of people. (I shall later come back to this problem).

At the moment, let us keep in mind that the main global crisis phenomena of the last decades — namely the *threat of a nuclear war*, the *ecological crisis*, and the *conflict between the first and the third world* — can be considered as consequences of the increase of the *range* and *scope* of our actions or activities, in particular, as consequences of the loss of immediate *proximity* between the co-subjects of human interaction.

A *second* aspect of the completely novel problems posed to ethics in our time is constituted by the fact that for morally relevant decision-making we often need *scientific knowledge* concerning the complex structure of the relevant facts and the possible effects and side-effects of our actions and sustainable activities. Immanuel Kant could still say that the difference between *theoretical* and *practical reason* consists in the fact that with regard to morals the common man can always know, by listening to his inner voice, what he *ought* to do<sup>1</sup>. In our day, however, this can no longer be said on the level of an *up to date ethics of responsibility for decision-making*. What is now characteristic for people in charge of relevant decisions — especially politicians and managers, but also engineers, and physicians — is that they constantly need consultation with other experts — with technicians and natural scientists as well as juridical, economical, and even anthropological specialists (say with regard to developmental politics).

Decision-makers in our time need experts, in order to assess the circumstances and consequences of their decisions. But can they in fact rely on experts? There is a vast field of intricate problems today with regard to getting reliable expertise in all dimensions of human knowledge; and the intricacy of these problems is not only due to the many different economical and political *interests* that are involved but also due to the different *perspectives* and *research paradigms* that make up the background of our different scientific disciplines.

I will mention here only *one* field of ethically relevant problems

where I myself as a philosopher have tried to make use of expertise in the last months<sup>2</sup>. My problem was to come to an ethical assessment of the *North-South-Conflict* in development politics, especially regarding the so called *debt-crisis*. But I had to realize that, from 1945 on, there were and still are at least *four* quite different paradigms of developmental theory — roughly speaking: Keynesianism, Neoclassical theory, pragmatism and — mostly on the side of the Latin-American intellectuals and politicians — *dependency* theory. According to these different approaches, of course, very different answers are given to the question for the reasons or causes of the present poverty of the third world, and also with regard to the ethically relevant duties and responsibilities to be taken over by the different countries. The answers range from the suggestion that everything depends on liberalization of trade and democratization of government, in connection with birth-control, up to the verdict that all the economically disastrous developments in the third world, including the ecological ones, as e.g. the fire-clearing of the tropical rain forests, are consequences of the *unjust terms of trade*, such that only *a complete transformation of the global order of economy* could help.

As far as I can see, the problem situation is very similar, i.e. equally controversial, in many other fields of responsible decision-making, say e.g. with regard to the question of genetic technology or abortion or euthanasia etc. One important consequence of this situation is the fact that even so called *value-free or value-neutral science*, i.e. technically relevant natural science, has indirectly, because of its possible practical effects, become a matter of the highest ethical responsibility; and this not only with regard to *science-immanent values* like methodological carefulness and loyalty to the truth but also with regard to the costs and aims of the very research projects. On the other hand, also new fields of inquiry have opened up for the *critical-reconstructive social sciences* which, in my opinion, have the task of aiding *philosophical ethics* through non-value-neutral reconstructions of current trends of the socio-cultural evolution<sup>3</sup>.

The *third* aspect of the difficulties that arise for traditional morals from the novel problems of our time is different in kind from the first two aspects but nevertheless internally connected with them. What I now think of is a phenomenon that results from the *technicalization* of our actions and activities as well as from the *differentiation* of the life world and the life praxis into, or according to, the *different functions and organizational structures of the social systems and sub-systems* I mentioned

before. The novel quality of the phenomenon I have in mind is constituted by the fact that in our day those actions and activities whose effects and side-effects are most far-reaching and risky, are usually not caused by *individual* actors. Hence, individual actors in a sense cannot really be held *accountable* for these actions and activities in such a way as individuals have been held responsible for their actions according to traditional morals. Nevertheless, *we* have to acknowledge that *we* somehow are responsible also for the effects of *collective* activities, as e.g. for those effects of industrial technology that have brought about the *ecological* crisis<sup>4</sup>, and for those economic and political activities that may have caused, at least partially, the crisis of the Northsouth-Relationship.

But even when *we* somehow feel responsible, or coresponsible for these effects of *collective activities*, as we may do sometimes, e.g. while reading newspapers or listening to the broadcasting media or attending congresses, *we* — i.e. the single persons who make up the factor “we” — may at the same time feel quite powerless in the face of all those problems.

Now, in this situation somebody — perhaps a conservative or neo-conservative philosopher — may tell us that the whole talk about *our responsibility for the human ecosphere* or *the third world* or the like amounts to a kind of “hyper-ethics” or *utopianism* of the “principle of responsibility”; and he may remind us that, according to traditional morals, each person can only be held *responsible* for actions he or she can be held *accountable* for, that is, actions or activities for whose performance he or she can be in charge of, say, by his or her status or role within the functional context of a social institution or social system<sup>5</sup>. But this answer, I think, would be an *escapist* one, — an answer that obviously could *not* help to solve the novel problems.

It is this type of situation — I want to emphasize — that in my opinion points to the deepest layer of the novel problems of responsibility that are posed by the results of those processes of the socio-cultural evolution I have outlined. Hence, the question arises whether we actually need a *novel ethics of responsibility*. In the face of this question, we must turn to the history of practical philosophy. For a long time there have been *institutional devices* for dealing with *problems of collective responsibility*, e.g. *contracts* and *associations* like *the state under law* and even *agreements* and *associations between states*. Isn't it a task for these *superindividual institutions* to take over and to organize the moral respon-

sibility for the effects and side-effects of our far-reaching *collective actions and activities* in all dimensions of our scientific-technological civilization?

However, at this point, it is important to remember that on the level of a *post-conventional* morality we have also to bear responsibility for our institutions and social systems, even for the international ones.

Therefore we have now to raise the question whether the current types of ethics — especially those dealing with *contracts and legal associations* — can cope with the novel problems of responsibility for the effects of collective actions or activities.

### III. *The novel quality of apparently old problems of collective responsibility in our time and the failure of current types of ethics to cope with these problems*

In a sense it is true that the problems of dealing with the effects of collective actions or activities are not completely novel. For already in early days human societies were coping with these problems by *cooperation* and *associations*. These are archaic institutions of collective responsibility. And since the time of Greek enlightenment, people have even explicitly asked the question as to the *ethical-normative foundation of institutions* and set themselves the task of *grounding institutions*, e.g. the state and its laws, by law makers or by contracts. Thus they succeeded in taking over and organizing collective responsibility.

In modern times very sophisticated philosophical theories of the *social and governmental contract* have been developed. And in these theories — in particular in the classical conception of Thomas Hobbes — a special problem of collective responsibility was posed and — to some extent — solved. I am referring to the problem of the *risk* of the individual actors to be exploited when taking over coresponsibility for the common good due to *non-solidarity* or even *egotistic parasitism* of other actors. The solution for this problem, proposed by Thomas Hobbes, consisted in putting restrictions on everybody's egotistic claims by a *social contract in connection with a governmental contract* which was to ensure the keeping of the social contract by the sanction power of the sovereign<sup>6</sup>.

The structural point of this solution of the problem of the *risk* of

responsible cooperation in a society of competing egoists and potential parasites was further elaborated by modern welfar-economic theory of *strategical games*. This theory however made clear that Hobbes' solution of the problem was by no means a solution of the *moral* problem just by *strategical means-ends-rationality*, as Hobbes himself and all his followers up to J. Buchanan have thought<sup>7</sup>. For, from a perspective of *strategically rational self-interest*, the *most rational* solution for the individual is not keeping the contract but taking the parasitic surplus-profit from the others' keeping the contract by practising oneself the method of the "free rider".

Hence Hobbes' solution of the problem of collective responsibility is at best an *amoral* solution. It is a solution of the type that was proposed by Kant with regard to the constitution of a *constitutional state* ("Rechtsstaat") for *empirical* human beings, who — according to Kant — must be considered to be *determined only by selfish motives*. For this *empirical* problem Kant indeed proposed a completely *amoral* solution in a quasi-Hobbesian vein. For he postulated that the *constitutional state* be established and fulfil its function "for a people of devils, if only they would be intelligent"<sup>8</sup>.

I should think, however, that this *amoral* solution of collective responsibility cannot even work in the best organized *police state* precisely for the reason that it is no *morally* relevant solution. For even in the best organized *police state* for *intelligent devils*, all the members — including the government and the police — would of course be merely *strategical rationalists*, i.e. *devils* in the Kantian sense. Hence, we would be thrown back to the Hobbesian "state of nature", where everybody is like a wolf with regard to everybody else. As John Rawls has wisely remarked concerning his own — only apparently Hobbesian — proposal of *rational choice* of a just social order in the "original position", the order of the state cannot function — i.e. contracts would not be kept — without the voters' having — in addition to their strategical rationality — a "sense of justice" as "fairness"<sup>9</sup>. Now, if this is true with regard to every *constitutional state* where legal sanctions, that are executed by the police provide a deterrent against *parasitic* behavior, it is even more true with regard to the novel, postconventional problems of collective responsibility today (coping with the *ecological crisis*; arranging a just order of economic exchange between North and South).

Thus we come to realize that the novel problems of taking over and

bearing *co-responsibility* for the effects and side effects of collective actions and activities pose an ethical problem that is by no means already solved by traditional theories of the *social contract*, because these theories tap only the *strategical rationality* of more or less enlightened self-interest. What we need, rather, is a pre-contractual basis of moral responsibility for *entering into* and *keeping* contracts.

But has John Rawls theory of *justice as fairness*, drawing on Kant's ethics of the *categorical imperative*, not provided us with a better basis for contractualism and for our problem of *collective responsibility*?

Now, despite of my admiration for Rawls' two principles of justice, (especially the *second* one which seems to give us a basis even for an economically intelligent solution for the global problem of *social justice*), I do not think that Rawls has solved the problem of providing a *rational*, i.e. *universally valid* foundation for a *global ethics of justice*, much less of an ethics of *global responsibility*. This negative verdict holds, I believe, for two reasons:

(1) Rawls did not succeed in providing a *rational foundation* for the *universal validity* of his own principle of *justice as fairness* just by taking recourse to the *principle of reflective equilibrium*, as he recently has admitted himself<sup>9</sup>.

(2) Rawls' theory of justice in line with a long tradition of abstract *deontological ethics* since Kant, presupposes a kind of "*point zero — situation*" for determining the just social order. Like all his *deontological* predecessors — he fails to provide an answer to the question as to how we should proceed in our *concrete historical situation* where everything has already-begun and, at least partly, has gone the wrong way; that is, where the application conditions for an ideal deontological ethics, to a great extent, are not, or not yet, given. This latter problem, I suggest, is that of a *historically situated ethics of responsibility*, especially of political responsibility. In certain respects, both Max Weber<sup>11</sup> and Hans Jonas<sup>12</sup> have posed this problem.

Let me begin with the first question: Why, or in which respect, did Rawls not succeed in providing a *rational foundation* for his theory and finally had to give up his original *universality-claim*? In retrospect, it became clear to Rawls that the "original position" of *rational choice* he had outlined in his "Theory of Justice" did not provide the *original* foundation for his own theory of justice, namely for the *principle of justice as fairness*. He began to see clearly that it was rather the *principle*

of *fairness* that had to be grounded ultimately because this principle made him impose the necessary constraints upon the original situation of rational choice. But for this ultimate foundation he had considered, in his main work, only the “reflective equilibrium” between his own *common sense intuitions* and those of his audience or, respectively, of the voters in the original position. With regard to the *common sense intuitions* that served as input into reflective equilibrium, Rawls later did no longer wish to claim *universal validity*. He rather admitted — probably in accordance, with the current main stream of *hermeneutic* and *communitarian* philosophy — that his *fairness intuitions* were simply an outcome of the western tradition and its political institutions<sup>13</sup>. Statements like these were hailed by Richard Rorty as a remarkable confession of relativistic *historism*<sup>14</sup>.

At this point we have reached the characteristic *aporetical* problem situation of ethics today. On the one hand, we are confronted, for the first time in history, with global problems of humankind as a whole, problems of *peaceful co-existence of the different cultures* (e.g. of human rights valid in all cultures), and problems of *responsible cooperation between different nations* in order to cope with the fateful crises that I outlined in the introduction. All these problems obviously call for a *common universally valid foundation* of an ethics of *justice solidarity*, and *co-responsibility*. On the other hand, however, we are told by some, or even the majority, of our most sophisticated philosophers, that no rational foundation of a universally valid ethics is possible. Such is the creed of thinkers who went through the *linguistic-pragmatic-hermeneutic* turn of contemporary philosophy after Wittgenstein and Heidegger, and also of those so-called “*communitarians*” who rightly recognized that the liberalistic tradition of *methodical solipsism* and *individualism* (especially that of Hobbes) cannot provide a basis for *solidarity* and *co-responsibility*<sup>15</sup>. *Communitarians* however tell us also that there is no other (*non-individualistic*) basis for solidarity and for reaching a consensus about values or norms except our belonging to *particular communities* and their historical traditions of *ethical substance* (“*substantielle Sittlichkeit*” in Hegel’s sense).

If this were to be the whole message of contemporary ethics it would obviously be impossible to provide a *binding* normative foundation for the most urgent ethical problems of *humankind* in our day. Yet is it really true that the *linguistic-hermeneutic* insights into our dependence on the

“background” of a historically determined *preunderstanding* of the life-world compels us to recognize — along with Rorty and MacIntyre — that there are no *context-transcendent universal criteria* for morality? That even the *rationality of justice* is perspectively anchored in a particular cultural tradition? That we have no other foundation for *consensus-formation* than the “contingent consensus-basis” of our traditional form of life?

Or, focusing on the concerns of the *Communitarians*: is it really true that in order to transcend the *egoistic-strategical rationality* of Hobbesian individualism or the pure *formalism* of the Kantian universalization-principle (that is: using the latter only as a testing principle for *material norms* within concrete situations) we have nothing more to go apart from the moral traditions of our *particular communities*? Is it impossible, or *morally illegitimate*, for an individual person to speak up in the name of the *autonomy of conscience* against the moral authority of his or her particular community (as was indeed asserted by Hegel with regard to the relationship of the individual conscience to the authority of the state)?

To all these questions my answer is no. Having passed through the *linguistic-hermeneutic-pragmatic* turn of contemporary philosophy myself, I have not found any good reasons for completely abandoning the *transcendental universalism* of Kantian provenance. Hence, I will try in the last part of my lecture to respond to the challenge I have described, — a response that I call *discourse ethics in a transcendental-pragmatic key*<sup>16</sup>.

#### IV. *The transcendental-pragmatic foundation of discourse ethics as a response to the global problems of justice and co-responsibility*

In what follows I will try to show that *discourse ethics in a transcendental-pragmatic key* is a post-metaphysical transformation of Kantian ethics that fulfils three different tasks:

1. Discourse ethics gives a rational foundation of its claim to universal validity without making use of the traditional type of *grounding* through *deriving something from something else*, i.e. through *deduction*, *induction* or *abduction*. Instead it makes use of a *transcendental-reflexive* and *communicative* type of rationality.<sup>17</sup>

2. Discourse ethics provides a foundation not only for an ethics of *global justice* and *solidarity* but also for an ethics of *co-responsibility* —

i.e. responsibility beyond the *individually accountable responsibility* we suppose within functional contexts of institutions or social systems. It has indeed to provide a foundation for everybody's *co-responsibility* on the level of those discourses of a communication-community that functions as a *meta-institution* vis à vis all human institutions and societal subsystems. This transcendental-pragmatic conception of *co-responsibility*, I think, is the most characteristic novel feature of *discourse ethics*<sup>18</sup>.

3. From this feature of *co-responsibility* derives a *third* task for the transcendental-pragmatic foundation of discourse ethics. It is the delicate task of providing a *regulative principle* for acting or decision-making in such situations where we have to *mediate between ethical and strategical rationality*, because given our historical situation, the *applicability conditions for pure discourse ethics* are not, or not yet, given<sup>19</sup>.

This third task I refer to as "*part B*" of ethics.

ad 1: (*Ultimate foundation of Part A and part B of discourse ethics*).

An unavoidable presupposition of strict philosophical *reflection* — the "original situation" of the transcendental-pragmatic approach to theoretical and practical philosophy, in my opinion — is simply the *situation of arguing* as such. Not the situation of the *I am thinking*, as Descartes, Kant, and still Husserl used to say. Instead, I repeat: of *arguing*. I thereby include certain features that transcend the *transcendental* or *methodical solipsism* of the classical paradigm of the philosophy of consciousness<sup>20</sup>; and precisely these additional features of argumentation make it possible to provide an ultimate foundation for *ethics*. (In a certain sense, we are here deciphering the Kantian "fact of (practical) reason"). For, by way of *strict reflection* on my arguing, I find myself as already being point of a communication community, more precisely: of a particular *real* communication community and, at the same time, of a counterfactually supposed and even anticipated, indefinite *ideal* communication community.

Why do I have to *presuppose* both a *real* and an *ideal* communication community? Obviously because I am, on the one hand, an *empirical human being* who is using a certain language and must belong to a particular community and nevertheless, by using *arguments* with *universal validity-claims*, must also transcend somehow every particular community and anticipate the judgement of an indefinite ideal audience that alone would be able to definitely understand and evaluate my universal validity-claims. And I must even address the *real* audience in a way *as if* it al-

ready represented the *ideal* one. This presupposition — I emphasize — is confirmed by any episode of serious discourse, especially when somebody like a sceptic or a relativist attempts to deny it through his or her argument and consequently due to his or her universal validity claim, gets involved in *performative self-contradiction*.

The *dialectical double-structure of the community presupposition* can on reflection be established to specify an undeniable *pre-structure* of argumentation: this double-structure, I suggest, provides the solution to the aporias both of *communitarianism* and of hermeneutic relativism. According to the double-structure on the one hand, I can and must accept all the arguments of the *linguistic-hermeneutic-pragmatic turn* concerning the fact of my *belonging to a particular community* and my *dependence on a historically determined pre-understanding of the life world*, including particular norms and values. On the other hand, however, in order to argue, I must not only connect my thought with a contingent tradition of discourse and consensus-formation but also must take recourse to certain *non-contingent presuppositions* of the *post-enlightenment-metainstitution of argumentative discourse*<sup>24</sup>. And it is this metainstitution of discourse through which every contingent background presupposition of the life-world and its traditions can be called into question. For, if this radical questioning of particular traditions could not be accomplished, in principle, we would not even be troubled by problems of *relativism* and *historism*. I will now go on to specify some *non-contingent presuppositions* of argumentative discourse.

I think (like J. Habermas<sup>21</sup>) that there are four such necessary presuppositions which are implied in the fundamental claim of each argument to *reaching a consensus* — if only in the long run — with every possible member of the ideal communication-community. The four presuppositions of consensus-formation by argument may be roughly characterized as follows:

(1) *first*, the claim to sharing an intersubjectively valid *meaning* with my partners;

(2) *second*, the claim to *truth* as a claim to a virtually universal consent;

(3) *third*, the claim to *truthfulness* or *sincerity* of my speech-acts taken as expressions of my intentions;

(4) *fourth*, the claim to the *morally relevant rightness* of my speech-acts, taken as communicative actions in the broadest sense of addressing

possible communication partners.

Now, it is especially the *fourth* claim that is important in our context. It implies, an *ethics of an ideal communication-community*. And this is, what I call *part A* of discourse ethics (which in a sense is the post-metaphysical transformation of Kant's metaphysical ethics of the realm of ends, i.e. of the community of pure reasonable beings). Still there is *part B* of discourse ethics which has later to be derived and introduced as an answer to the fact that the *ideal communication community*, after all, does not exist as such in the real world but is a counter-factual anticipation and a postulate or regulative principle.

Roughly the *ideal communication ethics* implies that all possible-partners have *equal rights* and *equal co-responsibility* for and in solving all possible problems, the life world could pose to the *discourse community*, i.e. for solving them only by arguments, and not by open or concealed violence. If somebody — say an adolescent who has read too much of Nietzsche — were to ask the radical post-enlightenment question: "Why should I be moral, e.g. take over *co-responsibility*? Is there a good reason — i.e. a rational foundation — for this?", then the answer could be: yes, if you are *asking seriously*, than you have the answer. For, you can find out through *radical reflection on the presuppositions of your doing that you have already taken over co-responsibility on the level of argumentative discourse and thus have acknowledged the fundamental norms of the ideal communication community I have outlined*: of equal rights, and co-responsibility.

At this point, of course, no *material, situation-related norms* of action have been derived yet. On the contrary: To acknowledge the fundamental norms of an *ideal communication community* means precisely that concrete solutions of situation-related moral problems ought *not* to be anticipated at the level of a *transcendental-pragmatic foundation*. Philosophy should not *deduce* concrete solutions from axiomatic principles as was postulated by classical *metaphysical rationalism*; concrete solutions to moral problems should rather be delegated to the *practical discourses* of the affected people or — substitutionally, if necessary — of their advocates. However, there should be an institutionalization of *practical discourses* for the solution of all controversial problems of social justice and responsibility on a global scale: *this* is indeed a direct postulate of our transcendental-pragmatic foundation of discourse ethics.

This means that discourse ethics is initially *formal* and *procedural*,

but it does not mean — as is sometimes said — that its principles are *without any substantial content*. These are clear *regulative principles* that are prescribed for the institutionalization of, and the procedures in, *practical discourses* about norms. Hence, the *discursive transfer* of the content of the *fundamental norms* to the construction of *material norms* is ensured by *discourse ethics* — in contradistinction to traditional types of formal, deontological ethics.

Furthermore it is clear, which rational *constraints* are put on the life praxis and the values of the different individual and socio-cultural *forms of life*. The fundamental norms of discourse ethics do *not* prescribe any specific form of self-realization, or of *the good life*. On the contrary, they prescribe tolerance and protection of the existing plurality of forms of life. However, what discourse ethics does prescribe is that all particular individuals and socio-cultural forms of life should subject their morally relevant decisions and evaluations to those *discourses* — *in foro interno* or *in foro externo* — that bring to bear the *priority* of the universally valid norms of justice and co-responsibility on common problems of human-kind.

By this qualified answer to the *neo-aristotelian* claims of an ethics of *the good life*, discourse ethics, I would claim, again provides a solution to an apparent dilemma of contemporary ethics: playing off *universalism* of fundamental norms and *pluralism* of life-forms against each other — as do e.g. M. Foucault and J.F. Lyotard<sup>22</sup> — amounts to creating a *pseudo-problem*.

ad 2: The derivation of the fundamental norm of *coresponsibility* from the transcendental-pragmatic reflection on what it means to *seriously ask questions*, prepares an answer to the *second* point of this last part of my lecture. It concerns the most characteristic *novel* feature of discourse ethics. I have already intimated several times that the traditional concept of *responsibility* related to *individually accountable duties*, especially within functional contexts of institutions or social systems, cannot be adequately applied to the novel duties of *collective responsibility* which we bear today. To illustrate this, I pointed to the *feeling of powerlessness* that may overcome and paralyse the individual who tries to take on personally accountable responsibility for what we collectively have to do in order to cope with the crises.

Yet on the level of *argumentative discourse*, which is indeed the *meta-institutional* level with regard to all institutions, conventions, con-

tracts; and even to functional structural social systems<sup>23</sup>, *we* — i.e. every member of the argumentation community — have indeed acknowledged a kind of *responsibility* — or rather *co-responsibility* — that a priori joins us together through grounding an *original solidarity* with all the other possible members of the argumentation community. This original solidarity of co-responsibility relieves the single persons from being overburdened yet without allowing to shirk his or her part of responsibility by way of escapism or parasitism.

But, how should we conceive of the *transfer* of the original *co-responsibility* through practical discourses toward the solution of the concrete problems of our time — say, of the problems of the *ecological crisis* or of the *North/South crisis* of just economical relationships?

To be sure, at the *end* of this line of *transfer* there will always be *personally accountable duties*, but this is not the characteristic part of the *transfer* that is suggested and regulated by *discourse ethics*. The characteristic novel task of discursively organizing and practising co-responsibility for complex actions or activities rather has to be fulfilled today by the *growing worldwide network of formal or informal dialogues and conferences, commissions and boards on all levels of national and especially international politics, including of course economical cultural, and educational politics*. And it seems clear that the function of these means and media of discursively organizing humankind's *collective responsibility* is nothing else than a generalization and projection of the function of *democracy*.

A discourse-ethical interpretation and legitimation of *democracy* as well as of the *thousand dialogues and conferences* about public problems in our day is possible and is indeed widely accepted. This fact may be testified to by the following observation. We know of course that the thousand conferences of our time are not *ideal practical discourses* — neither are most parliamentary debates. That is to say: we know very well that most conferences rather have the character of *negotiations* or *bargaining* between interest groups. Nevertheless, it is interesting to observe that in the glare of publicity most of these conferences and debates must at least *pretend* that they are dealing with their problems by *reasonable arguments* and that they are representing thereby the *interests of all affected people*. This phenomenon is of course an occasion for inquiry and analysis in the light of discourse theory; but, I suggest, this phenomenon should not only occasion irony but also a certain feeling of

satisfaction. For there is no other way of organizing the *collective responsibility* for the effects of our collective activities than through worldwide *networks of dialogues and conferences*.

Nevertheless, the *ambiguity* and *ethical ambivalence* of the structure and function of human communication — of its very institutions and media — show us that there is a *third* problem for discourse ethics that is shared by any type of principled ethics: There is the unpleasant fact that in our real life-world the *applicability conditions* for discourse ethics are not (yet) given or realized. In a sense this fact seems trivial, and at any rate, it cannot be taken as a principled objection against a *deontological ethics*. Still, there is a really serious problem for an *ethics of responsibility*, a problem that is very often ignored or suppressed by professional ethics: For discourse ethics it is the problem of *how to proceed* in those situations — even on the level of communication — where it would not be reasonable and hence irresponsible to rely on the possibility of a *discursive* solution of conflicts.

I am not thinking here of *exceptional situations* which in traditional ethics are considered as cases for “phronesis” (Aristotle) or “Urteils-kraft” (“faculty of judgment” in the sense of Kant). Rather I am thinking of those cases where the general conditions for people’s following moral norms are not given, e.g. where the *constitutional state* has not yet been established or does not function. This situation is not only the case in many countries of our world, but also and especially on the level of international relations. Thus e.g. the chances for discursively settling the ecological problems, or the problems of a just economic world order are seriously weakened by those conditions.

I do not think that the outlined foundation of discourse ethics loses its universal validity in such situations. But I think indeed that the foundation of *part A* (oriented toward the conditions of an *ideal communication community*) now has to be supplemented by a *part B* that explicitly relates to the fact that within the *real* human community the conditions of the *ideal* one are not (or not yet) sufficiently realized but are only - anticipated by ethical reason. The main features of the theoretical supplementation thus required are the following (I can only give a very rough outline of them in the present context)<sup>24</sup>:

1. The strict separation between *instrumental-strategical* and *consensual-communicative*, i.e. discourse-ethical, rationality of action cannot be maintained in *part B* of ethics. Instead, we now need ways or methods of

*mediating* between them e.g. according to the rule: as much *advance in the sense of relying on discourse* as can be answered for in the face of the risk; and as many *strategical provisos* as are required by our very responsibility for the foreseeable consequences of our actions.

2. Whereas this *first* principle of *part B* amounts to a deviation from the ideal principle of *part A*, there is a second principle which, in a sense has to compensate for the problematic implications of the first one. This second principle demands that our mediations of *strategical* and *consensual-communicative* rationality should not *only* be in the service of effective *crisis-management*. They should moreover be motivated by the *regulative principle* of contributing to a *change of the social reality* — a change, that is, *towards realizing the applicability conditions for discourse ethics*; towards approximating the *ideal* communication community within the *real* one.

Both *regulative* principles of *part B* of discourse ethics can be derived from the *dialectical double-structure* of its foundation, and furthermore, the *first* principle of *part B* demands that our *deviations* from the ideal discourse-principle in favour of *strategical action* must be capable of being consented to by the members of an *ideal* communication community (viz. by those whom we can suppose to be able to put themselves into the difficult situations of all actors under the conditions of *part B*.)

Finally, I wish to emphasize here, that on the level of a post-conventional discourse ethics with a universalistic validity-claim *part B* of ethics poses a problem of everybody's *co-responsibility* that springs from his or her membership in a real and in the anticipated ideal communication community. Hence, in my opinion, it would amount to an *escapist regression* to a traditional stage of conventional morality to try to detach the unpleasant problems of *part B* from personal morality altogether, relegating them to a separate sphere of *politics* allegedly "beyond" morality, as Hegel suggested. *Co-responsibility* for realizing the applicability conditions of discourse ethics reaches indeed far beyond the traditional idea of individually accountable responsibility within an established institution.

## NOTES

1. Cf. I. Kant: *Grundlegung der Metaphysik der Sitten*, Akademie-Textausgabe, Berlin: W. de Gruyter, 1968, vol. IV, 403.

2. Cf. K.-O. Apel: "Diskursethik vor der Herausforderung der 'Philosophie der Befreiung'. Versuch einer Antwort an Enrique Dussel I. Teil" . In: R. Fornet-Betancourt (ed.): *Diskursethik oder Befreiungsethik?*, Aachen: Augustinus-Buchhandlung, 1992, 16-54.
3. Cf. K.-O. Apel: "The Common Presuppositions of Hermeneutics and Ethics. Types of Rationality beyond Science and Technology". In: J. Sallis (ed.): *Phenomenology and the Human Sciences*, Humanities Press Inc., 1979, 35-53; and the same: "Types of Rationality Today: The Continuum of Reason between Science and Ethics". In: Th. Geraets (ed.): *Rationality Today*, Ottawa: Univ. Press, 1979, 307-40, and the same: "The Hermeneutic Dimension of Social Science and its Normative Foundations". In: *Man and World* 25, 247-70, 1992.
4. Cf. K.-O. Apel: "The Ecological Crisis as a Problem for Discourse Ethics". In: A. Øfsti (ed.): *Ecology and Ethics*, Trondheim: Nordland Academy of Arts and Sciences, 1992, 219-260.
5. Cf. Arnold Gehlen: *Moral und Hypermoral*, Frankfurt a.M. 1973, 151, and my discussion of this tenet in K.-O. Apel: "The Problem of a Macroethic of Responsibility to the Future in the Crisis of Technological Civilization: An Attempt to come to terms with Hans Jonas' 'Principle of Responsibility'". In: *Man and World* 20 (1987), 3-40.
6. Cf. K.-O. Apel: "Normative Ethics and Strategical Rationality. The Philosophical Problem of Political Ethics", in: R. Schürmann (ed.): *The Public Realm. Essays on Discursive Types in Political Philosophy*, State Univ. of New York Press, 1989, 107-131.
7. Cf. James Buchanan: *Freedom in Constitutional Contract. Perspectives of a Political Economist*, London: College Station, 1977. Cf. also K.-O. Apel: "Diskursethik als Verantwortungsethik und das Problem der ökonomischen Rationalität". In: B. Biervert et alii (eds.): *Sozialphilosophische Grundlagen ökonomischen Handelns*, Frankfurt a.M.: Suhrkamp, 1990, 121-154.
8. I. Kant: *Zum ewigen Frieden*, Akademie Textausgabe, Berlin: W. de Gruyter, 1968, 366. Cf. for this my critical discussion in: "Diskursethik vor der Problematik von Recht und Politik", in Apel/Kettner (ed.): *Zur Anwendung der Diskursethik in Politik*

- Recht und Wissenschaft*, Frankfurt a.M.: Suhrkamp, 1992, 29-61.
9. Cf. J. Rawls: *A Theory of Justice*, Cambridge/MA.: Harvard Univ. Press, 1971, § 25. It is however only in the "Devey-Lectures" of 1980 that Rawls clearly recognized that "it was an error in *Theory* (and a very misleading one) to describe a theory of justice as part of the theory of rational choice, ..." , i.e. of a Hobbesian theory of *recta ratio* as *strategical rationality*. Cf. J. Rawls: "Kantian Constructivism in Moral Theory", in: *The Journal of Philosophy*, vol. 77, Nr. 9, 1980. Cf. also my papers on *types of rationality*, see notes 3, 6, and 7.
  10. Cf. J. Rawls: "Justice as Fairness: Political not Metaphysical", in: *Philosophy and Public Affairs*, vol. 14, Nr. 3 (1985)
  11. Cf. Max Weber: "Politik als Beruf", in: *Gesammelte Politische Schriften*, Tübingen 1958, 493ff.
  12. Cf. Hans Jonas: *Das Prinzip Verantwortung*, Frankfurt a.M.: Insel, 1979.
  13. Cf. J. Rawls: "Justice as Fairness ...", loc. cit. (see note 10).
  14. Cf. R. Rorty: "The priority of democracy to philosophy", in: *Objectivity Relativism and Truth*, Cambridge Univ. Press, 1991, 175-196. Cf. also my critique of this position in K.-O. Apel: *Diskurs und Verantwortung*, Frankfurt a.M.: Suhrkamp, 1988, 318ff.
  15. Cf. K. Baynes: "The Liberal/Communitarian Controversy and Communicative Ethics", in: *Philosophy and Social Criticism*, vol. 14, Nr. 3/4 (1988), and Ch. Mouffe: "American Liberalism and its Critics: Rawls, Taylor, Sandel, and Walzer", in: *Praxis International*, vol. 8, Nr. 2, and Ch. Reynolds/R. Norman (eds.): *Community in America: The Challenge of Habits of the Heart*, Berkeley/Los Angeles, 1988.
  16. Cf. K.-O. Apel: *Towards a Transformation of Philosophy*, London: Routledge and Kegan Paul, 1980, and the same: *Diskurs und Verantwortung*, Frankfurt a.M.: Suhrkamp, 1988 (Engl. transl. to appear with MIT Press), and the same: "The Problem of a Universalistic Macroethics of Co-responsibility", in: S. Griffioen (ed.): *What Right does Ethics have?*, Amsterdam: VU Univ. Press, 1990, 23-40. For my relationship to J. Habermas' closely related conception of discourse ethics see: K.-O. Apel:

“Normative Begründung der ‘Kritischen Theorie’ durch Rekurs auf lebensweltliche Sittlichkeit? Ein transzendentalpragmatisch orientierter Versuch, mit Habermas gegen Habermas zu denken”. In: A. Honneth et alii (eds.): *Zwischenbetrachtungen im Prozeß der Aufklärung*, Frankfurt a.M.: Suhrkamp, 1989, 15-65 (Engl. transl. in A. Honneth et alii (eds.), *Philosophical Interventions in the Unfinished Project of Enlightenment*, Cambridge, Mass.: MIT-Press, 1992, 125-170).

17. Cf. K.-O. Apel: “The Problem of Philosophical Fundamental Grounding in Light of a Transcendental Pragmatic of Language”, in: *Man and World*, vol. 8, Nr. 3 (1975), 239-75 (repr. in K. Baynes/J. Bohman/Th. McCarthy (eds.): *After Philosophy. End or Transformation?*, Cambridge/Mass.: MIT Press, 1987, 250-90).
18. Cf. my papers quoted in notes 4 and 5.
19. Cf. K.-O. Apel: *Diskurs und Verantwortung*, loc. cit. (see note 16).
20. Cf. K.-O. Apel: “The Transcendental Conception of Language Communication and the Idea of First Philosophy”, in: H. Parret (ed.): *History of Linguistic Thought and Contemporary Linguistics*, Berlin/New York: W. de Gruyter, 1975, 32-61, and the same: “Transcendental Semiotics and the Paradigms of First Philosophy”, in: *Philosophic Exchange*, vol. 2, Nr. 4 (1978), 3-22. Both papers will appear also in K.-O. Apel: *Towards a Transcendental Semiotics*, Atlantic Highlands/N.Y.: Humanities Press, 1993.
21. Cf. J. Habermas: “What is Universal Pragmatics?”, in the same: *Communication and the Evolution of Society*, Boston: Beacon Press, 1979, and the same: *The Theory of Communicative Action*, Boston: Beacon Press, 1987, vol. I, ch. III.
22. Cf. K.-O. Apel: “Der postkantische Universalismus in der Ethik im Lichte seiner aktuellen Mißverständnisse”, in the same: *Diskurs und Verantwortung*, loc. cit. (see note 16).
23. Cf. N. Luhmann: *Soziale Systeme. Grundriß einer allgemeinen Theorie*, Frankfurt a.M.: Suhrkamp, 1984.
24. K.-O. Apel: *Diskurs und Verantwortung*, loc. cit. (see note 16).

