

## Rethinking Habermas – Discourse as human life-form



Man is by nature a social animal [...] Anyone who either cannot lead the common life or is so self-sufficient as not to need to, and therefore does not partake of society, is either a beast or a god. *Aristotle Politics*

1253a

## Preface – Taking ourselves seriously

“Philosophy just puts everything before us, and neither explains nor deduces anything. *Since everything lies open to view, there is nothing to explain.* For whatever may be hidden is of no interest to us. [my italics]”<sup>1</sup> Having finally finished my thesis I can say with confidence that in doing so absolutely *nothing* has been accomplished. That is not a way of detracting from the hours of labor put into it, but a way of putting that labor into perspective. For what underlies this thesis is the conviction that, at least in moral philosophy, nothing *needs* to be done. This means that I agree with Wittgenstein's view that philosophy just puts everything before us, since everything is open to view. We only need to understand our everyday moral experience, anything else is of no interest to us. And such understanding is brought about, not by deduction or explanation, but by achieving a clear view of our everyday moral experience. A view which is provided by taking the basic intuitions we have about morality seriously – by taking ourselves seriously. And that we should take ourselves seriously also figures in another important way in this thesis.

“The coincidence of the changing of circumstances and of human activity or self-changing can be conceived and rationally understood *only* as revolutionary practice. [my italics]”<sup>2</sup> This other important way is best articulated by this somewhat illusive quote from Marx. Even though I can only guess its real meaning I take it to be expressing the thought that human flourishing, or revolution as Marx calls it, can only come about when a change in society *coincides* with a change in how people experience it. This thought is also central to discourse ethics, since its main principle articulates the basic idea that a change should be equally acceptable to all. However, to fully recognize this thought we should look for an alternative that complements discourse ethics with the concept of human life-form and that thereby allows us to regard discourse as an essential part of what it means to be human. For it is only then that discourse ethics becomes a intersubjective project that strives for the ideal of a world in which people see a change, not as something alien that opposes them, but as an expression of themselves and as such a project that strives for the realization of human flourishing – strives to take ourselves seriously. And this, *taking ourselves seriously*, is I believe *the* problem of philosophy.

The only thing that remains to be done then is to thank Bert van den Brink and Menno Lievers for assisting me in writing this thesis. My father and sister for being there. But most important my mother for reading and correcting it.

Jesse Sekreve (3465020), 29 June 2012

---

<sup>1</sup> Ludwig Wittgenstein, *Philosophical Investigations*, trans. Gertrude Elizabeth Margaret Anscombe, Peter Michael Stephan Hacker and Joachim Schulte, 4<sup>th</sup> ed. (Oxford : Blackwell Publishing, 2009), 55 (§126) (1<sup>st</sup> ed. 1953).

<sup>2</sup> Karl Marx, “Theses on Feuerbach”, in *Karl Marx – Selected Writings*, ed. David McLellan, 1<sup>st</sup> ed. (Oxford : Oxford University Press, 2000), 172.

## Rethinking discourse ethics – The plausibility of Habermas' formal-pragmatic justification of discourse ethics and whether the concept of human life-form could provide an alternative

“(D) 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*.”<sup>3</sup> In *Moral Consciousness and Communicative Action*<sup>4</sup> and *Justification and Application*<sup>5</sup> Jürgen Habermas defends a conception of morality that he calls discourse ethics. According to Habermas discourse is a procedure of argumentation that allows its participants to resolve social conflicts and thereby facilitate the continuation of action by reaching consensus<sup>6</sup>. However, for participants to be able to do so in a practical discourse, a rule of argumentation is needed that allows these participants to determine whether a course of action embodied in a norm can count as valid. For this purpose Habermas introduces the universalization principle (U) according to which a norm counts as valid if and only if “[a]ll affected can accept the consequences and the side effects that its *general* observance can be anticipated to have for the satisfaction of *everyone's* interests.”<sup>7</sup> Habermas claims that this principle, which figures as a test for the validity of a norm, can be derived from the normative content of a discourse we are committed as communicative presuppositions. As such, we can vindicate the basic idea of discourse ethics expressed in the discourse principle (D) because we are always already, although perhaps implicitly, committed to (U) in virtue of our communicative presuppositions.

Several commentators, however, have doubted the plausibility of Habermas' so called formal-pragmatic justification of discourse ethics<sup>8</sup> and these doubts give rise to the question whether there is a more substantive alternative justification. Perhaps such an alternative might be found by invoking the concept of human life-form which centers around the idea that discourse is an essential part of what it means to be a human being. This is why the central question of this thesis will be: *how plausible is Habermas' formal-pragmatic justification of discourse ethics and could the concept of human life-form provide an alternative?*

---

<sup>3</sup> Jürgen Habermas, “Discourse Ethics: Notes on a Program of Philosophical Justification”, in *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen, 2<sup>nd</sup> ed. (Cambridge : Polity Press, 1990), 66 (1<sup>st</sup> ed. 1983).

<sup>4</sup> Jürgen Habermas, *Moral Consciousness and Communicative Action*.

<sup>5</sup> Jürgen Habermas, *Justification and Application – Remarks on Discourse Ethics*, trans. Ciaran Cronin, 1<sup>st</sup> ed. (Cambridge : Polity Press, 1993). This book is important for Habermas' distinction between moral and ethical discourse. This distinction, however, is irrelevant to the central question of this thesis which is why I will not go into it any further.

<sup>6</sup> First, there's an important ambiguity to note here, namely that in German 'sich verständigen' can mean both understanding one another and agreeing with one another. I will use the term 'consensus' as a kind of middle ground (James Gordon Finlayson, *Habermas – A Very Short Introduction*, 1<sup>st</sup> ed. (New York : Oxford University Press, 2005), 34). And secondly, whenever Habermas talks about consensus he means *rationally motivated* consensus. And this is consensus equally acceptable to all by being based only on “the forceless force of the better argument” (Jürgen Habermas, *The New Conservatism: Cultural Criticism and the Historians' Debate*, 1<sup>st</sup> ed. (Cambridge : MIT Press, 1990), 185). I will use the term 'consensus' for short.

<sup>7</sup> Jürgen Habermas, “Discourse Ethics: Notes on a Program of Philosophical Justification”, 65.

<sup>8</sup> James Gordon Finlayson, *Habermas – A Very Short Introduction*, 87-90.

I want to defend in this thesis that Habermas' formal-pragmatic justification of discourse ethics *isn't* plausible (1) and that the concept of human life-form *could* provide an alternative (2).

It must be stressed right at the outset that, *first*, I'm concerned in this thesis, *not* with an actual alternative justification of discourse ethics, but with a rough sketch of a more substantive alternative that invokes the concept of human life-form. *And secondly*, that even though this thesis is essentially a criticism of discourse ethics it nonetheless takes its central claim that discourse is a necessity, very seriously.

To my knowledge there is simply no alternative for discourse ethics in the sense that no other conception of morality truly recognizes the fact that we are social and as such communicative beings. However, as much as I agree with Habermas about the importance of this fact, he also misrepresents it and thereby doesn't defend discourse ethics as well as he could have done. For by focusing solely on the *formal* role of practical discourse in resolving social conflicts Habermas misses that it might have a more *substantive* role in our everyday moral experience in the sense that there is *something at stake* in a practical discourse. And we might get a clear view of this role when we understand discourse as an essential part of human life-form, as an essential part of a typically human life shaped by basic human capabilities and limits and structured by basic human functions which allow such a life to flourish.

*First*, an important requirement every conception of morality which tries to systematically reconstruct our everyday moral experience should fulfill is that its justification should be phenomenologically correct. This means that such a justification should *fit* the basic intuitions we have about morality and should thereby allow us to take ourselves seriously.<sup>9</sup>

Habermas formal-pragmatic justification, however, does not meet this requirement. For the very fact that, we are always already, although perhaps implicitly, committed to (U) in virtue of our communicative presuppositions, doesn't show that it would be *wrong* not to adhere to (U), but only that that would be *incoherent*. But this is a reason of the wrong kind to adhere to (U), since logical demands are from a different order than moral demands. Both might be inescapable in some sense but the fault involved in being insensitive to moral demands isn't a form of incoherence. For usually incoherence doesn't involve wrongness: we wouldn't blame someone for rescuing a drowning child even if that person earlier said he can't swim. And usually wrongness doesn't involve incoherence: we would still blame someone for not saving a drowning child if he's able to, irrespective of the coherence of this act. And this is the case because wrongness and incoherence are two phenomenologically distinct things. As such, Habermas formal-pragmatic justification isn't plausible, since it is phenomenologically incorrect and it thereby doesn't allow us to take ourselves seriously (1).

---

<sup>9</sup> I will use the term 'phenomenologically correct' in a loose, but I think recognizable way. Someone might wonder where this requirement derives its authority from. I think this question misunderstands what has been said so far. I merely want to remark this here and will postpone a further discussion of this question and why it's misguided until I assess the plausibility of Habermas' formal-pragmatic justification. However, what I already want to clarify now is that answering this question is not essential to this thesis, since, as I read him, Habermas agrees about this requirement.

*And secondly*, an alternative to Habermas' formal-pragmatic justification which invokes the concept of human life-form starts from our judgment that a being and the life this being leads counts as a human being who leads a typically human life. Now the concept of human life-form encompasses a description of the wider context in which such a life takes place and as a result this concept provides us upon analysis with a list of basic human capabilities and limits that shape a typically human life. For example that every human being has the capability to act for reasons and that every human being is limited by the inevitability of his own death. And this list then translates into another one of basic human functions that structure a typically human life and provide it with the possibility to flourish. For example that every human being acts for reasons he finds expressive of himself and that every human being strives to live a full life and tries not to let it end prematurely.

Now such an alternative that invokes the concept of human life-form as the wider context which involves what shapes and structures a typically human life sets the stage for discourse ethics to play its part. On the one hand, the list of basic human functions this concept involves, would reconfirm the necessity of practical discourse by showing what's at stake in it. For what's at stake in a practical discourse is not merely the resolution of social conflicts to thereby facilitate the continuation of action, but in fact nothing less than human flourishing. On the other hand practical discourse would provide a way of implementing the list this concept involves by showing the procedure of argumentation with which we can do so. For there is no other alternative than to realize this list by reaching consensus about it. And this would allow us to regard practical discourse as an essential part of human life-form, as expressing our nature as social and as such communicative beings. In this sense the concept of human life-form and that of practical discourse complement each other.

And such an alternative could also plausibly show what is wrong with not adhering to (U). It would be wrong not to adhere to (U), not because it's incoherent to do so, but because it would deny someone's humanity. It would deny that someone leads a typically human life and as such would deny him or her the possibility to flourish by realizing this list for himself in his capacity as a participant of a practical discourse. And such a justification would meet the earlier requirement on every conception of morality, because it gives a central role to the concept of our humanity. As such, the concept of human life-form could provide an alternative, since it is phenomenologically correct and it thereby does allow us to take ourselves seriously (2).

However, before we can draw this conclusion we should be clearer about Habermas' formal-pragmatic justification and why it's implausible and accordingly why the concept of human life-form could provide an alternative. So to further develop the point of this thesis I will first focus on Habermas' pragmatic theory of meaning and consequently on what it means to act communicatively (1.1), secondly, I will show that this theory forms the starting point for discourse ethics, namely for both (D) and (U) (1.2), thirdly, I will explain how Habermas tries to justify (U) in a formal-pragmatic way (1.3) and finally, I will defend that this justification is implausible (1.4) (1).

Then, I will focus, first, on why the concept of human life-form could provide an alternative (2.1) and, finally, on why the important objections one might have to this alternative are not undermining (2.2) (2).

### (1) Why Habermas formal-pragmatic justification of discourse ethics is implausible

(1.1) Before we can move on to the basic idea of discourse ethics expressed in (D) and consequently how this idea leads to the formulation of the (U) we first need to go into Habermas' pragmatic theory of meaning. This account of meaning is pragmatic in the sense that it is concerned, not with what we *say*, but with what we *do* with language when we say something, with how we use language to reach consensus. According to Habermas, the concept of meaning is linked to the concept of reaching consensus, since the orientation towards reaching consensus embodies the *telos*, the natural goal, of language which is a goal we are committed to as speakers of a language. As a result, Habermas' pragmatic theory of meaning should be contrasted right at the outset with another account of meaning, namely that of truth-conditional semantics. This account links the concept of meaning, not to that of reaching consensus, but to that of truth conditions and therefore is concerned, not with what we do when we say something, but rather with what we say with language.

According to truth-conditional semantics, the meaning of a sentence, such as 'snow is white', consists in its truth conditions and to understand its meaning is to know what will be the case if it were true, namely that snow is white.<sup>10</sup> Consequently, the paradigmatic use of a sentence and as such of language is to describe the way things are, to state that things are *thus-and-so*, while other uses of our language are dependent upon this representational function. However, according to Habermas this account of meaning amounts to a descriptive fallacy, since if we take the representational function of language as paradigmatic, we thereby disregard the other functions of language, namely its *evaluative* and *expressive* function. The account of meaning truth-semantics gives might work well for sentences that describe, such as 'snow is white', but it cannot make sense of sentences that do not seem to describe at all, such as respectively 'you can't do that to me!' or 'how do you do?'. For it seems nonsensical to claim that to understand such sentences is to know what will be the case if they were true. Rather, an account of meaning should take as paradigmatic not only the representational but also the evaluative and expressive functions of language since those together form the three basic functions of language.<sup>11</sup>

---

<sup>10</sup> We should remark here that not everyone agrees with this claim. For more about this see the articles of John McDowell and Colin McGinn in *Reference, Truth, and Reality: Essays on the Philosophy of Language*. (Mark Platts, *Reference, Truth, and Reality: Essays on the Philosophy of Language*, 1<sup>st</sup> ed. (London : Routledge and Kegan Paul, 1980) For our present purposes, however, we need not concern ourselves with the finer details of truth-conditional semantics.

<sup>11</sup> I will not discuss the question of whether this criticism of truth-conditional semantics is plausible. Perhaps truth-conditional semantics might be easily modified to cope with such sentences and thereby with these

To make sense of these basic functions of language Habermas thinks we should focus, not on sentences, but on utterances, on speech acts, that claim validity along three dimensions which correspond to these functions: *truth*, *rightness* and *truthfulness*. Utterances that try respectively to reach consensus with someone about something in the *objective* world of states of affairs, something in the *social* world of norms or something in the *subjective* world of inner experiences. According to Habermas, the meaning of an utterance, such as 'give me your money', consists in its acceptability conditions and to understand its meaning is to know what would make it acceptable, namely that the other person has money (truth), that I'm entitled to the money (rightness) and that I'm serious about wanting the money (truthfulness). Consequently, a validity claim of an utterance figures as a kind of warrant that if demanded reasons *could* be given to make the utterance acceptable. A warrant that, in most or at least in uncontroversial cases, will be enough to reach consensus to thereby facilitate the continuation of action, such as that the other person gives me his or her money. However, there will also be cases in which this warrant will not be enough, in which someone will reject a validity claim and demand that the reasons that were claimed could be given to make the utterance acceptable are actually supplied. For example by objecting that he or she doesn't have any money (truth), that I'm not entitled to the money (rightness) or that I'm not serious about wanting the money (truthfulness).

When someone rejects a validity claim to either truth, rightness or truthfulness this leads to respectively a theoretical, practical or aesthetic discourse. According to Habermas discourse is a procedure of argumentation which allows its participants to resolve social conflicts and thereby facilitate the continuation of action by reaching consensus. Discourse, however, will only result when its possible participants act with an orientation towards reaching consensus, when they act communicatively. This stands opposed to when they act with an orientation towards success, when they act strategically. For example when I ask someone to give me his or her money I, instead of trying to make this utterance acceptable, simply try to coerce him or her into giving me the money. Consequently, Habermas tries to show that communicative action has primacy over strategic action and as such that we are committed to acting communicatively, *even* when acting strategically.

To show that communicative action has primacy over strategic action Habermas goes on to distinguish the locution of an utterance, what we *say* with it, the illocution of an utterance, what we *do* with what we say with it and the perlocution of an utterance, which are the *consequences* of what we do with what we say with it. For example that I want a person's money, that I'm demanding it and that I might anger him or her by demanding it.<sup>12</sup>

---

three basic functions of language, but that is not my concern here. For our present purposes truth-conditional semantics figures only as an opposing view with which we can make Habermas' own view clear.  
<sup>12</sup> Habermas appropriates this distinction from John Langshaw Austin (John Langshaw Austin, *How To Do Things With Words*, ed. J.O. Urmson and Marina Sbisa, 2<sup>nd</sup> ed. (Cambridge : Harvard University Press, 1975)(1<sup>st</sup> ed. 1962)).

Now the important part about this distinction for Habermas' overall argument is *first* that the locution and the illocution together, even without the perlocution, constitute a complete utterance, since those together are enough to make myself understood to someone, such as that I want someone's money and that I'm demanding it. *And secondly*, that the illocutionary aim of an utterance is to reach consensus while trying to reach success is its perlocutionary aim. Consequently, communicative action has primacy over strategic action at a conceptual level, since it's conceptually prior to it in virtue of the fact that in acting strategically we must presuppose that we are acting communicatively.<sup>13</sup>

A similar story can be told at a factual level, since acting strategically, such as trying to coerce someone to give me his or her money, is only possible if I hide my ulterior motivations and deceive the other person into believing that I'm acting communicatively. For if my ulterior motivation were revealed this would immediately lead to the breakdown of communication and thereby obstruct the continuation of action. Consequently, communicative action has primacy over strategic action at a factual level, since it's factually prior to it in virtue of the fact that the continuation of action is only possible if others believe that we are acting communicatively. And this means that communicative action has primacy over strategic action, because the latter is parasitic on the former: communicative action forms the possibility of existence for strategic action.

As such, communicative action, action oriented towards reaching consensus, is a necessity since there is no alternative to it – we are always already, although perhaps implicitly, committed to it at a factual and conceptual level, because it's the only way to facilitate the continuation of action and because it must always be presupposed. And this conclusion is important since it also shows the necessity of discourse which forms the starting point of discourse ethics.<sup>14</sup>

(1.2) Now that the starting point of discourse ethics has been made clear we can now move on to the basic idea of discourse ethics expressed in (D) and consequently how this idea leads to the formulation of (U). Earlier I said that there will be cases in which someone will reject a validity claim and that this would lead to a discourse. And that discourse is a procedure of argumentation which allows its participants to resolve social conflicts and thereby facilitate the continuation of action by reaching consensus. Now this is relevant to discourse ethics in the sense that it tries to make clear what it means for participants of a practical discourse to make good on a validity claim to rightness and as such what it means to reach consensus with someone about whether a course of action embodied in a norm can count as valid. It's very important to note, however, that discourse ethics tries to make this clear, not by providing a

---

<sup>13</sup> I will not discuss the question whether this argument is plausible. For our present purposes it figures only as a way to make the starting point of discourse ethics clear.

<sup>14</sup> Jürgen Habermas, *The Theory of Communicative Action – Volume One: Reason and the Rationalization of Society*, trans. Thomas McCarthy, 1<sup>st</sup> ed. (Boston : Beacon Press, 1984), 273-339; James Gordon Finlayson, *Habermas – A Very Short Introduction*, 31-39, 40-43, 47-51.



*substantive* answer to the question of which norms count as valid, but by providing a *formal* procedure of argumentation with which participants of a practical discourse can answer this question themselves.

To give substance to this procedure we should, according to Habermas, start with a systematical reconstruction of our ordinary and everyday moral experience to thereby reveal the principles implicit in it. And next we should justify that these principles are more than a mere (cultural) prejudice to thereby provide an answer to the amoralist who doubts this.<sup>15</sup> The most important principle this reconstruction reveals is the discourse principle (D) which expresses the basic idea of discourse ethics, namely that “[o]nly 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*.”<sup>16</sup> What this principle does is capture the intuition that a valid norm should be broadly supported by claiming that a norm counts as valid *if* it is equally acceptable to all affected by it. Consequently, this principle figures only negatively, it can only show that a norm isn’t valid and doesn’t show which norms *are* valid. It doesn’t show how participants of a practical discourse are supposed to reach consensus about whether a course of action embodied in a norm can count as valid.

For this purpose Habermas introduces the universalization principle (U) which figures as a test for the validity of a norm. According to this principle a norm counts as valid if “[a]ll affected can accept the consequences and the side effects that its *general* observance can be anticipated to have for the satisfaction of *everyone’s* interests[.]”<sup>17</sup> And this principle does show what a norm being valid consists in, namely in being equally acceptable to all affected by it. A norm isn’t only valid *if* it is equally acceptable to all affected by it, but *if and only if* it is equally acceptable to all affected by it. In this sense (U) links the concept of a valid norm to the concept of reaching consensus and thereby articulates the idea that morality should be impartial, namely the idea that we shouldn’t make an exception of ourselves.

However, according to Habermas, a mere systematical reconstruction of our everyday moral experience is not enough, since as it stands the amoralist might plausibly object that (U) is nothing more than a mere (cultural) prejudice. As such, we should move on to the answer Habermas provides to the amoralist by focusing on his formal-pragmatic justification.

---

<sup>15</sup> Someone might plausibly ask why we should even be bothered with trying to provide an answer to the amoralist. For couldn’t we just, he or she might say, admit that (U) is nothing more than a (cultural) prejudice, but that this nonetheless does not undermine the *efficacy* of discourse in getting what everyone wants and needs in a way equally acceptable to all. Something like this seems to be the position of Bruce Ackerman in his article *Why Dialogue* (Bruce Ackerman, “Why Dialogue”, in *Faculty Scholarship Series: Paper 142*, 1989 ([http://digitalcommons.law.yale.edu/fss\\_papers/142](http://digitalcommons.law.yale.edu/fss_papers/142))). In this article Ackerman defends that, given the fact that we live in a pluralistic society, the need for dialogue is a supreme pragmatic imperative. I want to stress here that an alternative to Habermas’ formal-pragmatic justification that invokes the concept of human life-form isn’t necessarily opposed to what Ackerman defends. Rather, I see such an alternative as expanding upon his recognition of this supreme pragmatic imperative and thereby on what it means to say that discourse allows us to get what everyone wants and needs in a way equally acceptable to all.

<sup>16</sup> Jürgen Habermas, “Discourse Ethics: Notes on a Program of Philosophical Justification”, 66.

<sup>17</sup> *Ibidem*, 65.

(1.3) Habermas' formal-pragmatic justification starts from the normative content present in a discourse, namely the rules of discourse, which are the rules every discourse is subjected to. Now it's important to note that these rules aren't of the kind we can choose to follow or neglect like the rules of a game. Rather, they are communicative presuppositions that we are always already, although perhaps implicitly, committed to because of what it means to act communicatively. According to Habermas we should distinguish three levels of rules: *first*, there are the rules governing logical correctness, such as that I don't contradict myself, *secondly*, there are rules governing procedural correctness, such as that I don't claim things I don't believe and *last*, there are rules governing substantive correctness. The rules at this last level protect the procedure of discourse against something like coercion and thereby make sure that a discourse is carried out correctly in respect to its orientation towards reaching consensus. Examples of such rules are that:

3.1. Every subject with the competence to speak and act is allowed to take part in the discourse.

3.2. a) Everyone is allowed to question any assertion whatsoever.

b) Everyone is allowed to introduce any assertion whatsoever into the discourse.

c) Everyone is allowed to express his attitudes, desires, and needs.

3.3. No speaker may be prevented, by internal or external coercion, from exercising his rights as laid down in (1) and (2) above.<sup>18</sup>

What identifies a rule of discourse, such as (3.1) to (3.3), is that its denial leads to what Habermas calls a performative self-contradiction, which is a contradiction that arises because the propositional meaning of an utterance, what we say with it, contradicts its pragmatic meaning, what we do with it. The example Habermas gives is that of someone who denies (3.1) by claiming that consensus has been reached by excluding certain people that nevertheless have the competence to speak and act. This involves a performative self-contradiction in the sense that the propositional meaning of this utterance, that this person claims to have reached consensus by excluding those people, contradicts its pragmatic meaning, that consensus cannot be reached when those people are excluded. Given that we understand what it means to act communicatively, it is as if this person said consensus has been reached by not reaching consensus, which is a contradiction. As such, this person's claim which denies (3.1) involves a performative self-contradiction and Habermas thinks the same thing can be shown for the denial of the other rules of discourse.<sup>19</sup>

---

<sup>18</sup> Ibidem, 89.

<sup>19</sup> Ibidem, 90-92.

James Gordon Finlayson, *Habermas – A Very Short Introduction*, 43-35.

These considerations about the rules of discourse lead to Habermas' formal-pragmatic justification in the sense that:

If every person entering a process of argumentation must, among other things, make presuppositions whose content can be expressed in rules (3.1) to (3.3) and if we understand what it means to discuss hypothetically whether norms of action ought to be adopted, then everyone who seriously tries to *discursively* redeem normative claims to validity intuitively accepts procedural conditions that amount to implicitly acknowledging (U).<sup>20</sup>

Or to put this somewhat illusive argument a little more formally:

1. Communicative action and discourse are a necessity, since we are always already, although perhaps implicitly, committed to it;
2. Every discourse is subjected to the rules of discourse since those are communicative presuppositions we are committed to because of what it means to act communicatively;
3. Denial of a rule of discourse leads to a performative self-contradiction;
4. So: we are always already, although perhaps implicitly, committed to the rules of discourse and therefore those rules are justified;
5. (U) can be derived from the rules of discourse;
6. Denial of (U) will lead to a performative self-contradiction in virtue of our communicative presuppositions;
7. As such: *we are always already, although perhaps implicitly, committed to (U) in virtue of our communicative presuppositions and therefore (U) is justified.*

Basically what this argument tries to show is that: *because* we are always already, although perhaps implicitly, committed to communicative presuppositions such as the rules of discourse *and because* we can derive (U) from these presuppositions, we are *therefore* always already, although perhaps implicitly, committed to (U) in virtue of those communicative presuppositions. Now it's important to see that this argument hinges on two steps: *first*, that communicative action and discourse are a necessity *and secondly*, that (U) can be derived from the rules of discourse. Both steps have been criticized by commentators.<sup>21</sup> However, *if* communicative action and discourse are a necessity and *if* (U) can be derived from the rules of discourse, then Habermas has thereby provided an answer to the amoralist by showing that (U) is more than a mere (cultural) prejudice. As such, we can vindicate the basic idea of discourse ethics

---

<sup>20</sup> Jürgen Habermas, "Discourse Ethics: Notes on a Program of Philosophical Justification", 92-93.

<sup>21</sup> The first step has been criticized because it would make Habermas' formal-pragmatic justification of discourse ethics circular, the second because there seems to be no logically valid way to derive (U) from the rules of discourse (See note 8). Especially the latter is problematic. However, I will not discuss these objections further, because they are irrelevant to my own criticism of Habermas.

expressed in the discourse principle (D) because we are always already, although perhaps implicitly, committed to (U) in virtue of our communicative presuppositions.<sup>22</sup>

(1.4) Before assessing the plausibility of Habermas' formal-pragmatic justification I want to stress that I'm not concerned with whether communicative action and discourse are a necessity or whether we can derive (U) from the rules of discourse. Rather, I want to assume that both these steps in Habermas' argument are correct and as such that Habermas' formal-pragmatic justification is successful in *its own right*. For even then as we shall see this justification is implausible in the end.

To assess the plausibility of Habermas' formal-pragmatic justification we should distinguish an important requirement every conception of morality which tries to systematically reconstruct our everyday moral experience should fulfill, namely that its justification should be phenomenologically correct. This means that such a justification should *fit* the basic intuitions we have about morality and should thereby allow us to take ourselves seriously. Otherwise this justification will fall prey to the first side of Prichard's dilemma<sup>23</sup>, according to which a justification of a conception of morality shouldn't be external to our everyday moral experience, since then it would be given in non-moral considerations, like self-interest and as such would provide a reason of the wrong kind for acting morally.<sup>24</sup>

As I remarked earlier, someone might wonder where this requirement derives its authority from. For as it stands, he or she might object, this requirement merely places our everyday moral experience in a privileged position that is somehow elevated above criticism, without justifying why this is the right view of things. It's important to see, however, that this objection misunderstands what has been said so far. For it's in no way part of this requirement that our everyday moral experience holds some privileged position elevated above criticism. Rather, it only claims that the justification of a conception of morality shouldn't be external to our everyday moral experience.

Inside the general structure [of our everyday moral experience] [...] there is endless room for modification, redirection, criticism, and justification. But questions of justification are internal to the structure or relate to modifications internal to it. [...] As a whole, it neither calls for, nor permits, an external [...] justification.<sup>25</sup>

---

<sup>22</sup> Jürgen Habermas, "Discourse Ethics: Notes on a Program of Philosophical Justification", 43-115.  
James Gordon Finlayson, *Habermas – A Very Short Introduction*, 76-85.

<sup>23</sup> The second side of Prichard's dilemma is irrelevant for now. I will discuss it later when focusing on whether the concept of human life-form could provide an alternative.

<sup>24</sup> For this requirement see also T.M. Scanlon's book *What We Owe to Each Other* (Thomas Michael Scanlon, *What We Owe to Each Other*, 1<sup>st</sup> ed. (New York : Harvard University Press, 1998), 149-150).

<sup>25</sup> Peter Frederick Strawson, "Freedom and Resentment", in *Freedom and Resentment and Other Essays*, 1<sup>st</sup> ed. (New York : Routledge, 2008), 25.

Now if we think such an external justification is implausible (and I think we normally do, unless we wanted to defend a theoretical position at any cost), then the authority of this requirement, *and this is important*, derives from the fact that such an external justification would leave us, not with a conception of morality, but with something entirely different. As such, it's an important requirement that the justification of a conception of morality should be phenomenologically correct.

The previous objection is, however, irrelevant to our present purposes. For Habermas agrees that the justification of a conception of morality should be phenomenologically correct. To see why this is so we need to understand Habermas' use of the concept of the lifeworld. According to Habermas the lifeworld is the intersubjective medium we inhabit in our everyday life and thereby forms the background for our everyday moral experience. Now this is relevant to discourse ethics in the sense that it tries to provide a systematical reconstruction of some of that background. However, as said before a mere systematical reconstruction is not enough, we also need a justification of it. But if such a justification would be external this would leave us, not with a systematical reconstruction of this background, but with something entirely different. As such, Habermas agrees that it's an important requirement that the justification of a conception of morality should be phenomenologically correct.<sup>26</sup>

Habermas formal-pragmatic justification, however, does not meet this requirement, since his justification is external to our everyday moral experience. To see why this is so we should consider what Habermas thinks is wrong with not adhering to (U). According to Habermas it is wrong not to adhere to (U), because we are always already, although perhaps implicitly, committed to (U) in virtue of our communicative presuppositions. As a result the fault involved in not adhering to (U) is essentially the same as in contradicting yourself or saying something you don't believe: they lead to a performative contradiction. However, the very fact that, we are always already, although perhaps implicitly, committed to (U) in virtue of our communicative presuppositions, doesn't show that it would be *wrong* not to adhere to (U), but only that that would be *incoherent*. But this is a reason of the wrong kind to adhere to (U), just as a non-moral consideration like self-interest is, since logical demands are from a different order than moral demands. Both might be inescapable in some sense but the fault involved in being insensitive to moral demands isn't a form of incoherence.<sup>27</sup> To see why this is so we should consider the following example:

---

<sup>26</sup> Jürgen Habermas, *The Theory of Communicative Action – Volume 2: Lifeworld and System: A Critique of Functionalist Reason*, 1<sup>st</sup> ed. (Boston : Beacon Press, 1987), 113-152.

Perhaps I'm wrong in thinking that Habermas agrees with this requirement. If this were the case, then my criticism of Habermas' formal-pragmatic justification is external rather than internal. That would somewhat hurt my argument but doesn't undermine it, for the point still stands that an external justification leaves us, not with a conception of morality, but with something entirely different.

<sup>27</sup> "The special force of moral requirements seems quite different from that of, say, principles of logic, even if both are, in some sense, "inescapable." And the fault involved in failing to be moved by moral requirements does not seem to be a form of incoherence." (Thomas Michael Scanlon, *What We Owe to Each Other*, 151).

Imagine yourself talking with someone else by the riverside. During your conversation the other person mentions he can't swim, but that the water looks very tempting because of the temperature. Suddenly a young child falls into the water. Immediately your companion rushes in and saves the child even though he said he couldn't swim. Then he says: "I guess I could swim better than I thought I could."

Now imagine yourself once again talking to your companion. Once again he tells you he can't swim. Then a young child falls into the water. However, since you cannot swim either both of you are unable to save the child. Then another man rushes to the scene. He also doesn't jump in to save the child, but stands by and watches as the child begins to drown. He, however, *can* swim. He merely doesn't want to get his clothes wet.

Evidently the first case involves some kind of incoherence (although this probably isn't a performative self-contradiction), while the second case does not. We would, nevertheless, be hard pressed to say that in the first case my companion would be liable to even some form of *moral* criticism, because of his incoherence (assuming he didn't have good reason to assume he could swim better than he thought he could). And it seems just as absurd to think that the coherence of the act of the man in the second case is in some sense relevant to the wrongness of his act. There are probably more examples such as these and what they illustrate is that there are a lot of cases in which there seems to be nothing wrong with acting incoherently and cases in which acting coherently is nevertheless wrong. And this is the case because wrongness and incoherence are two phenomenologically distinct things. As such, Habermas' formal-pragmatic justification isn't plausible, since it is phenomenologically incorrect and thereby doesn't allow us to take ourselves seriously.

As pointed out earlier, I have been assuming that communicative action and discourse are a necessity and that we can derive (U) from the rules of discourse. We should remember that especially this last assumption is very charitable.<sup>28</sup> For if this step in Habermas' argument turns out to be incorrect, this would cast further doubts on Habermas' formal-pragmatic justification. And these doubts give rise to the question whether there is a more substantive alternative, such as an alternative that invokes the concept of human life-form.

## **(2) Why the concept of human life-form could provide an alternative**

(2.1) Until now we have been solely concerned with Habermas' formal-pragmatic justification and why it's implausible. Now it is time to move on to whether the concept of human life-form could provide a more substantive alternative. Now as said before, I'm not concerned with an actual alternative justification of discourse ethics, only with a rough sketch of a more substantive

---

<sup>28</sup> See note 21.

alternative that invokes the concept of human life-form. However, before we can move on we should first focus on the concept of human life-form itself.

According to Michael Thompson the concept of human life-form is inherent to our judgment that a being and the life this being leads counts as a human being who leads a typically human life. This means that the activities in our everyday life, such as perceiving, imagining or thinking, are describable as such because they are mediated by the concept of human life-form. In describing them in this way we thereby invoke the wider context of our lives, the wider context of a typically human life, in which those otherwise indeterminate happenings count as precisely those activities. As such, the concept of human life-form encompasses a description of the wider context of a typically human life. There is, however, nothing peculiarly human about the concept of a life-form itself. Rather, this concept mediates a description of the activities of every living being that is part of a species. Without it we wouldn't be able to describe those activities as such at all.<sup>29</sup>

Thompson tries to show the importance of the concept of a life-form by pointing to a few peculiarities in natural documentaries such as those about bobcats. Such documentaries are riddled with statements such as 'the bobcat breeds in the spring'. Now the important thing to note about such statements is, according to Thompson, that such statements about *the* bobcat are logically unquantifiable. They are not an existential statement about at least one individual of the species, nor are they universal statements about all its individuals. For while *the* bobcat breeds in the spring, *Jake* the bobcat might breed in the summer. Such statements, however, are not therefore false. Rather, they are not about the individuals of a species at all, but about its life-form, about the wider context this concept encompasses. So these statements show, Thompson thinks, the importance of the concept of a life-form.<sup>30</sup> As such, "no special difficulty arises from a moralist's appeal to the life-form, named "human", that all of us share: we make such appeal already in everything we think of ourselves and one another."<sup>31</sup>

Perhaps there are more of such examples but the important thing to ask is whether some peculiarities in natural documentaries are enough to show the importance of the concept of a life-form. And more pressingly, whether they are enough to show the importance of the concept of *human* life-form. "[T]he answer to the question "When can we say 'Enough said'?" will of course depend on who we are saying it to[,] [...] For someone, I suppose, it might be 'enough' to point out a few peculiarities of the nature documentary."<sup>32</sup> For our present purpose of whether the concept of human life-form could provide an alternative I want to assume that these peculiarities are enough. However, it's important to keep in mind that perhaps more needs to be said about this.

---

<sup>29</sup> Michael Thompson, "The Representation of Life", in *Life and Action – Elementary Structures of Practice and Practical Thought*, 1<sup>st</sup> ed. (Cambridge : Harvard University Press, 2012) 49-62.

<sup>30</sup> Michael Thompson, "The Representation of Life", 63-82.

<sup>31</sup> *Ibidem*, 82.

<sup>32</sup> *Ibidem*, 77.

As said before the concept of human life-form encompasses a description of the wider context of a typically human life. So upon analysis this concept will probably involve something like a list that describes the human condition, a list of basic human capabilities and limits that shape a typically human life. Following Martha Nussbaum this list contains (at least some of) the following:

1. *Mortality*. All human beings face death and, after a certain age, know that they face it.
2. *The human body*. We live all our lives in bodies of a certain sort, whose possibilities and vulnerabilities [...] are our homes, so to speak, opening certain options and denying others, giving us certain needs and also certain possibilities for excellence.
3. *Cognitive capability; perceiving, imagining, thinking*. All human beings have these abilities in at least some form, and they are taken to be of central importance.
4. *Early infant development*. All human beings begin as hungry babies, soon aware of their own helplessness, experiencing their alternating closeness to and distance from that and those on whom they depend.
5. *Practical reason*. All human beings participate (or try to) in the planning and managing of their own lives by evaluating and then trying to enact their evaluations in their lives.
6. *Affiliation with other human beings*. All human beings recognize and feel some sense of affiliation and concern for other human beings.
7. *Relatedness to other species and to nature*. Human beings recognize that they are not the only living things in their world, that they are animals living alongside other animals and also alongside plants in a universe that, as a complex interlocking order, both supports and limits them.
8. *Humor and play*. Human life, wherever it is lived, makes room for recreation and laughter.
9. *Separateness*. However much we live to and for others, we are, each of us, "one in number", proceeding on a separate path through the world from birth to death.
10. *Strong separateness*. Because of separateness, each human life has, so to speak, its own peculiar context and surroundings, objects, places, a history, particular friendships, locations, sexual ties-that are not exactly the same as anyone else's, and in terms of which the person to some extent identifies herself.<sup>33</sup>

And it also seems probable that this list which describes our condition then translates into another one of what we want and need, one of basic human functions that structure a typically human life and provide it with the possibility to flourish. Once again following Nussbaum this list contains (at least some of) the following:

---

<sup>33</sup> Martha C. Nussbaum, "Social Justice and Universalism: In Defense of an Aristotelian Account of Human Functioning", in *Modern Philology* Vol. 90, 1993, S55-S57. (Quote shortened)



1. Being able to live out a complete human life, as far as is possible; not dying prematurely or before one's life is so reduced as to be not worth living.
2. Being able to have good health, adequate nourishment, adequate shelter, opportunities for sexual satisfaction; being able to move from place to place.
3. Being able to avoid unnecessary and nonbeneficial pain and to have pleasurable experiences.
4. Being able to use the five senses; being able to imagine, think, and reason.
5. Being able to have attachments to things and persons outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to feel longing and gratitude.
6. Being able to form a conception of the good and to engage in critical reflection about the planning of one's own life.
7. Being able to live for and to others, to recognize and show concern for other human beings, to engage in various forms of familial and social interaction.
8. Being able to live with concern for and in relation to animals, plants, and the world of nature.
9. Being able to laugh, to play, to enjoy recreational activities.
10. Being able to live one's own life and nobody else's.
- 10a. Being able to live one's own life in one's very own surroundings and context.<sup>34</sup>

According to Nussbaum there are two essential things on these lists, namely *practical reason* and *affiliation*. These involve the capability to act for reasons connected with the function of being able to do so for reasons one finds expressive of him- or herself and the capability to feel concern for others connected with the function of being able to do so by caring about them. "What is distinctive, and distinctively valuable to us, about the human way of doing all this is that each and every one of these functions is, first of all, planned and organized by practical reason and, second, done with and to others."<sup>35</sup> Now this is relevant to our present purpose of whether the concept of human life-form could provide an alternative because the importance of practical reason and affiliation seems to be a reminder of the importance of something similar to communicative action, since such action is always oriented towards reaching consensus *with someone about something*.

At present, however, I will not concern myself with the precise content of these lists. It is enough for our present purpose of whether the concept of human life-form can provide an alternative that they have some intuitive plausibility.<sup>36</sup> Rather, I'm more interested in what we can do with this list of basic human functions in relation to discourse ethics. What I do want to stress is that while these lists are empirical it's therefore not a task of the empirical sciences to complete

---

<sup>34</sup> Martha C. Nussbaum, "Social Justice and Universalism: In Defense of an Aristotelian Account of Human Functioning", S58-S59.

<sup>35</sup> Ibidem, S59.

<sup>36</sup> See note 37.

them. For they are not some generalization of how most people live and what most want and need on average. Rather, they try to describe what shapes and structures a typically human life from the perspective of those who live and experience such a life.

Now such an alternative that invokes the concept of human life-form as the wider context which involves what shapes and structures a typically human life sets the stage for discourse ethics to play its part. On the one hand, the list of basic human functions this concept involves, would reconfirm the necessity of practical discourse by showing what's at stake in it. Earlier we saw that, according to Habermas, practical discourse is a procedure of argumentation that allows its participants to resolve social conflicts and thereby facilitate the continuation of action by reaching consensus on whether the course of action embodied in a norm can count as valid. However, with this list of basic human functions we can do the plausible suggestion that at least in some, *if not in all*, cases social conflicts arise because people feel they are denied human flourishing. So what's at stake in a practical discourse is not merely the resolution of social conflicts to thereby facilitate the continuation of action, but in fact nothing less than human flourishing. And the obvious importance of that subject would reconfirm the necessity of practical discourse.

However, if we understand human flourishing as being at stake in a practical discourse then this would force us to rethink some of discourse ethics. Practical discourse should then be interpreted as a procedure of argumentation that allows its participants to resolve social conflicts and thereby facilitate the continuation of action by reaching consensus on what counts as a basic human function. And such rethinking also has consequences for the rest of discourse ethics, namely for the basic idea of discourse ethics expressed in the discourse principle (D) and the universalization principle (U). For we should understand those principles as being concerned, not with whether a course of action embodied in a norm can count as valid, but once again with human flourishing. So (D) only those functions can count as *basic human* functions that meet (or could meet) with the approval of all affected in their capacity *as participants in a practical discourse*. And (U) a function cannot be a *basic human* function unless *all* affected can accept the consequences and the side effects that the *general* observance of such a function can be anticipated to have for the satisfaction of *everyone's* interests.

On the other hand, practical discourse would provide a way of implementing the list of basic human functions this concept involves by showing the procedure of argumentation with which we can do so. For there is no other alternative than to realize this list by reaching consensus about it. Without such a procedure we would have to do the implausible claim that the moral philosopher is in some privileged position to decide what counts as a basic human function. And the legitimate question would then be from where he or she would derive his or hers authority to decide this. With such a procedure, however, we can claim that these lists are not final but are

the subject of discussion between participants of a practical discourse.<sup>37</sup> For even though the concept of human life-form involves the idea that we can recognize something as a typically human life we cannot rule out that practical discourse will lead its participants to a learning process that will probably not so much revise this list but fine-tune it.

So on the one hand the list of basic human functions the concept of human life-form involves reconfirms the necessity of practical discourse and on the other practical discourse provides the a way of implementing this list by showing the procedure of argumentation with which we can do so. For on the one hand what's at stake in a practical discourse is in fact nothing less than human flourishing and on the other there is no other alternative than to realize this list of basic human functions by reaching consensus about it. What these considerations lead to is that we can therefore regard practical discourse as an essential part of human life-form, as expressing our nature as social and as such communicative beings. As such, the concept of human life-form and that of practical discourse complement each other.

And such an alternative that would invoke the concept of human life-form could also plausibly show what is wrong with not adhering to (U). It would be wrong not to adhere to (U), not because it's incoherent to do so, but because of the moral consideration that it would deny someone's humanity. It would deny that someone leads a typically human life and as such would deny him or her the possibility to flourish by realizing this list of basic human functions for himself in his capacity as a participant of a practical discourse. And such a justification would meet the earlier requirement that a justification of a conception of morality should be phenomenologically correct, because by giving a central role to the concept of our humanity, it gives a justification internal to our everyday moral experience. To see this we need only remind ourselves of the most recognizable formulation of Kant's Categorical Imperative, the formulation of humanity. According to this formulation of the CI we should: "[a]ct in such a way that you treat *humanity*, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end. [my italics]"<sup>38</sup> As such, the concept of human life-form could provide an alternative, since it is phenomenologically correct and thereby does allow us to take ourselves seriously.

However, before we can draw that conclusion we should note that precisely because such a justification would be internal to our everyday moral experience, it would thereby run the risk of falling prey to the second side of Prichard's dilemma<sup>39</sup>. According to this side of the dilemma a justification of a conception of morality shouldn't be internal to our everyday moral experience, since then it would be given in moral considerations, like saying that something's wrong and as such would presuppose what it tries to prove and thereby wouldn't be a justification at all. And

---

<sup>37</sup> This is why I said earlier that I'm not very concerned with the precise content of these lists. For that content is always under discussion in a practical discourse.

<sup>38</sup> Immanuel Kant, *Groundwork of the Metaphysics of Morals*, trans. Mary Gregor, 1<sup>st</sup> ed. (Cambridge : Cambridge University Press, 1998), 38. Now Kant understood humanity differently from the way I use it here. Due to a lack of time I will not concern myself with these differences.

<sup>39</sup> See note 24.

this seems to be precisely the case with what has just been said. For saying that it's wrong not to adhere to (U) because that would deny someone's humanity seems to be nothing more than a sophisticated way of saying that it's wrong not to adhere to (U) because it is wrong, which would be completely uninformative. So if this were the case an alternative that would invoke the concept of human life-form couldn't be an alternative at all.

We should, however, recognize that even though such a justification would indeed involve some degree of circularity it is not therefore uninformative. To see why this is so we should distinguish vicious from informative circularity. An example of the former would indeed be something like saying that it's wrong not to adhere to (U) because it's wrong. An example of the latter is the claim that not adhering (U) is wrong because it would deny someone's humanity. For what this justification does is link our basic human capabilities and limits to our basic human functions, it links who we are to what we want and need to be and thereby reconciles us to ourselves. Now such a justification would be informative because it gives us the peace of mind that we are exactly who we need and want to be and that as such the demands of morality are not beyond us – it allows us to take ourselves seriously. I take it that this is a way out of Prichard's dilemma, since it gives a justification that is neither external nor uninformative.

(2.2) Until now we have been concerned with Habermas formal-pragmatic justification and why it's implausible and accordingly, I have tried to show that a more substantive alternative that invokes the concept of human life-form could provide an alternative. To conclude this thesis I want to address three important objections one might have against such an alternative. *First*, that the concept of human life-form cannot provide an alternative because it cannot provide an answer to the amoralist (a). *Secondly*, that the concept of human life-form cannot provide an alternative because there is no room for moral facts in our understanding of nature (b). *And finally*, that the concept of human life form cannot provide an alternative because it is nothing more than a (cultural) prejudice and thereby disrespectful of pluralism (c). Now I cannot hope to fully answer all these objections here, which is why I will try to show that, at the very least, they are not undermining.

(a) Earlier I said that it's wrong not to adhere to (U) because that would deny someone's humanity and that this was a way out of Prichard's dilemma since such a justification would be neither external nor uninformative. But surely, someone might object, while such a justification might not be uninformative, it doesn't solve Prichard's dilemma in the sense that it also provides an answer to the amoralist who doubts whether morality is more than a mere (cultural) prejudice. Such a justification might have some theoretical relevance, but no practical. For if we say to the amoralist that he or she should adhere to (U) because not doing so would deny someone's humanity this simply presupposes what we are trying to prove. Rather, we should supply the amoralist with a non-moral consideration for acting morally, but an alternative that invokes the concept of human life-form cannot give such a consideration precisely because it commits us to saying that it's wrong not to adhere to (U) because it would deny someone's

humanity. As such, the concept of human life-form could not provide an alternative, since it cannot provide an answer to the amoralist.

To get clearer about this objection we should see how moral or non-moral considerations might provide an answer to the amoralist. Imagine once again the child that falls into the water and starts to drown while you and your companion are unable to do anything. Now which ways are there to justify the demand that the man who can swim but doesn't want his clothes to get wet should rush in and try to save the child? The most natural response to this question is to say that the very fact that the child is drowning is more than enough reason for this man to try and save the child. So we are justified in demanding that this man rushes into the water, even if that would ruin his clothes, *because he can swim, because there are people who can't and because the child is drowning*. Evidently, this justification involves a moral consideration, namely that it would be wrong to let the child drown. However, this is not the kind of justification the amoralist asks for, since he or she wants to know why he or she should save the *drowning* child. The question persists even after the moral consideration has been given and thereby the amoralist asks for a non-moral consideration for saving the child.

Such a non-moral consideration might be self-interest, we might point out to the amoralist that it is in his or her interest to save the child, because not doing so will lead to having a bad conscience. However, it's important to see that while this non-moral consideration might convince the amoralist and thereby yield the desired result, namely the saving of the child, the result is that he or she will do so for the wrong reason. Just as simply threatening the amoralist might yield the desired result, but will hardly be a *justification* of the demand to save the child. But then there seems to be no way of answering the amoralist *at all*. For if we provide him with a moral consideration for saving the child we simply presuppose what we are trying to prove and if we give a non-moral consideration for saving the child this will simply be a reason of the wrong kind. As such, we simply cannot provide an answer to the amoralist and, *this is important*, that is no specific failure of an alternative that invokes the concept of human life-form.

Now this might seem like a very skeptical conclusion, one that might lead to a problem for every conception of morality if it turned out to be true. That would assume, however, that if we have no way of answering the amoralist that there is then no way of justifiably criticizing him or her. That any criticism on our part would then simply be us subjecting him or her to our will, a will which can only be backed up by superior force. And this of course would completely destroy anything we would regard as morality. However, this assumption is wholly misguided. Just because we cannot answer the amoralist doesn't mean that the he or she is of the hook. For the amoralist cannot answer to us either – *the amoralist cannot simply assume his or her egoism*.

What this means is that while the amoralist might disregard moral considerations as reasons for acting, he or she cannot do so without a justification of why non-moral considerations such as self-interest *do* count as reasons for acting, why such considerations have a privileged position. Now if they don't then there is no problem, but then the amoralist cannot act at all. However, if

they do then the justification of why non-moral considerations do count as reasons for acting and moral considerations don't, shouldn't be merely arbitrary. However, it's hard to see how such a justification wouldn't be. But surely, someone might object, the motivation behind providing an answer to the amoralist is that he or she simply doesn't care about justifying his or hers behavior to others. Now this is only true in some cases. And in the case that it's true, such as when someone is completely blind to what is wrong with not saving a drowning child, we cease to see such a person as someone we can relate to, but see him or her as someone who needs to be contained.<sup>40</sup>

However, there are also cases in which the amoralist would try to justify his or her case by asking why moral considerations count as reasons for acting. The problem then would be the burden of proof: does it lie with us or with the amoralist, do we need to justify that the amoralist cannot simply disregard moral considerations or does *the amoralist* need to justify his or her disregard for moral considerations? It's usually assumed that the first is the case. This is the result of a naïve acceptance of a conception of practical rationality in which non-moral considerations like self-interest have a privileged position. But at the very least it seems to be an open question in what way we should conceptualize practical rationality. Another way would be to claim that moral considerations are as much part of practical rationality as non-moral considerations and this position seems at least possible (perhaps even plausible). But the important thing to note here is that the amoralist is as much committed to answering the question of what conception of practical rationality is correct as we are. And this just repeats what was said before, namely that the amoralist cannot simply assume his or her egoism.

As such, the amoralist could simply not care about justifying his or her behavior to others, but if the amoralist tries to justify his or her disregard for moral considerations then he or she needs to justify why non-moral considerations *do* and moral considerations *don't* count as reasons for acting without this justification being merely arbitrary. And it's hard to see how such a justification couldn't be. In either way, the amoralist maneuvers him- or herself into a position without perspective. It's like someone barred inside a room: we cannot reach him or her, but he or she cannot get out, much like "a little frontier fortress that will undeniably be forever invincible, but whose garrison can never leave, so we may go safely past it and not be afraid to leave it behind us."<sup>41</sup> Still, it might seem like a failure that we cannot provide an answer to the amoralist. However, I think there is an important consideration that might give us some comfort.

For the position the amoralist takes is a lonely one. By doubting that moral considerations are reasons for acting he or she thereby invokes a standard of justification that eventually leads him or her to doubt whether *any* consideration can be a reason for acting. As such, the amoralist cannot take him- or herself seriously and we should ask ourselves the question whether we would

---

<sup>40</sup> For more about such an objective attitude see Strawson's *Freedom and Resentment*. (Peter Frederick Strawson, "Freedom and Resentment", 9-10).

<sup>41</sup> Arthur Schopenhauer, *The World as Will and Representation – Volume 1*, trans. Judith Norman, Alistair Welchman and Christopher Janaway, 1<sup>st</sup> ed. (Cambridge : Cambridge University Press, 2010), 129.

want to live such a life – perhaps we cannot answer the amoralist *but we can be glad we're not him or her*.<sup>42</sup>

(b) Earlier I claimed that the concept of human life-form encompasses a description of the wider context of a typically human life and that upon analysis this concept would involve a list of basic human capabilities and limits that shape a typically human life. And that this list translates to another one of basic human functions that structure a typically human life and provide it with the possibility to flourish. But surely, one might object, the idea that a list that describes our condition translates to list of what we want and need can only be made intelligible by invoking the thought that mere natural facts are somehow also moral facts which have a bearing on how we should act. This thought, however, is highly problematic since on the modern scientific understanding of nature as the realm of law, as a disenchanted realm completely devoid of any meaning, there is no place for something as queer as moral facts. As such, the concept of human life-form cannot provide an alternative, because there is no room for moral facts in our understanding of nature.<sup>43</sup>

This, however, doesn't necessarily follow. While it might seem that to question that nature is the realm of law is a lapse back into a pre-scientific world view this is in fact not the case. For while that understanding of nature is both *useful* and *insightful*, there is no reason to equate the relevant understanding of nature with nature *as such*. Questioning this equation is not to do harm to our scientific world view, for the claim that we *must* understand nature as being the realm of law is not scientific common sense, but in fact scientific philosophy. And bad philosophy at that for it doesn't allow us to take ourselves seriously.<sup>44</sup> In this sense I agree with McDowell when he says:

In my view there is a disenchanted conception of *something*. [...] What it is a conception of is reality in so far as it can be made intelligible by the methods of the natural sciences – *not the natural as such*, as we can be confused into supposing. [...] [As such,] [t]he point is that the realm of law must not be allowed to usurp the position of the natural. [my italics]<sup>45</sup>

But even more, the rejection of this equation even seems necessary. For the most natural way to think about our everyday moral experience is that I judge that something is wrong, *because it is wrong* and that this judgment says nothing about me *but about the way the world is*. This

---

<sup>42</sup> For a similar argument see Darwall's *The Second-Person Standpoint*. (Stephen Darwall, *The Second-Person Standpoint – Morality, Respect and Accountability*, 1<sup>st</sup> ed. (New York : Harvard University Press, 2006), 277-299) It has been pointed out to me that a discussion on internal and external reasons would be relevant here. Due to a lack of time I will not go into this.

<sup>43</sup> See the article of J.L. Mackie for this argument from queerness. (J.L. Mackie, "Ethics: Inventing Right and Wrong", in *Moral Discourse and Practice: Some Philosophical Approaches*, ed. Stephen Darwall, Allan Gibbard and Peter Railton, 1<sup>st</sup> ed. (Oxford : Oxford University Press, 1997), 89-100).

<sup>44</sup> John McDowell, *Mind and World*, 2<sup>nd</sup> ed. (Cambridge : Harvard University Press, 1996), 78. (1<sup>st</sup> ed. 1994)

<sup>45</sup> John McDowell, "Responses", in *Reading McDowell – On Mind and World*, ed. Nicholas H. Smith, 1<sup>st</sup> ed. (New York : Routledge, 2002), 269.

means that we can only understand a moral judgment in virtue of its connection with an independent state of affair. Now someone might object that this way of viewing things cannot be right, since people are often wrong, claiming widely different things about what is wrong or right. This is true but that's a different matter and irrelevant to the relation between a moral judgment and an independent state of affair. For that connection holds when someone judges correctly. When someone doesn't his or her judgment doesn't say anything about an independent state of affair, but about him- or herself, about his or her psychological condition for example. And precisely because of this connection the rejection of the equation between nature and the realm of law is necessary, for we presuppose the existence of moral facts in our everyday moral experience.<sup>46</sup> As such, when we see that we don't have to accept this equation between nature and the realm of law and that we presuppose moral facts in our everyday moral experience, we can also see that there is nothing queer about moral facts, that they are a possibility *at least*.

(c) Earlier I claimed that the concept of human life-form encompasses a description of the wider context of a typically human life and that upon analysis this concept would involve a list of basic human functions that structure a typically human life and provide it with the possibility to flourish. But surely, one might object, such a list is nothing more than a typically Western idea of the good life. Presented as such this criticism misses its mark, since, as I said before, this list of basic human functions is the subject of discussion between participants of a practical discourse. However, someone might also object that this whole idea that people are participants of a practical discourse is itself a (cultural) prejudice and thereby disrespectful of pluralism. For discourse ethics ultimately conceive of practical discourse as an individual affair, as a procedure of argumentation in which individuals have primacy. However, the primacy of individuals is the consequence of a historical learning process that we can call typically Western. As such, the concept of human life-form cannot provide an alternative because it is nothing more than a (cultural) prejudice and thereby disrespectful of pluralism.

This idea that the primacy of individuals is the consequence of a historical learning process that we can call typically Western, however, seems wholly misguided to me. For the liberal ideals of freedom, equality and democracy that accord primacy to individuals appear all throughout history and are not limited to the West.<sup>47</sup> And that fact forces us to reevaluate the common view that the modern age is characterized by an *emergence* of pluralism. Rather, if we truly take pluralism seriously, if we truly take seriously that people often simply don't agree about things, then we should say that the modern age is characterized, not by an emergence of pluralism, but by a *recognition* of it. In that sense I agree with Nussbaum when she says that:

---

<sup>46</sup> For someone who agrees with this analysis of our everyday moral experience see Mackie (J.L. Mackie, "Ethics: Inventing Right and Wrong").

<sup>47</sup> Martha C. Nussbaum, "Women and theories of global justice: our need for new paradigms", in *The Ethics of Assistance: Morality and the Distant Needy*, ed. Deen K. Chatterjee, 1<sup>st</sup> ed. (Cambridge : Cambridge University Press, 2004), 152-155.



[I]t is actually mistaken [...] to suggest that [...] [these liberal] ideas are parochially Western, even in the sense of their historical origin. Indeed, what would be parochially Western, it seems to me, would be the confident assertion that these ideas are especially Western. It's not impossible for other people to come up with the idea of human dignity and respect for persons.<sup>48</sup>

However, even if the primacy of individuals is the consequence of a historical learning process that we can call typically Western then it still doesn't mean that practical discourse is itself a (cultural) prejudice and thereby disrespectful of pluralism. This point, however, gets distorted by the fact that discussions about pluralism are usually, not about what individuals think, but about what a social group as a whole thinks. But once again if we truly take pluralism seriously we should say that social groups themselves are also always pluralistic: they are not homo-, but heterogeneous. The image of a homogenous social group is a theoretical construct and even if there were such groups, then those would be nothing more than an example of a social pathology. However, when we do start from the point of view of individuals we can see that practical discourse tries to take the fact seriously that people sometimes simply don't agree by giving everyone who has the capacity to be a participant in a practical discourse the chance to be part of one. In this sense practical discourse *empowers* its participants by giving them the opportunity to speak their minds. As such, practical discourse isn't a (cultural) prejudice and thereby disrespectful of pluralism, but quite the opposite actually – *it's respectful of pluralism*.

Still, that practical discourse is respectful of pluralism doesn't mean that there cannot be tragic conflicts<sup>49</sup>, which are conflicts that arise because giving people a chance to speak their minds conflicts with a more traditionalistic self-understanding. Such conflicts may occur, but, *and this is important*, they don't mean that practical discourse is therefore disrespectful of pluralism. Rather, these conflicts are the place where theory stops and practice begins. The only thing we can say about them is that whenever they arise we should be vigilant about them. We should recognize that even though we might be right in giving people a chance to speak their minds, those people might still experience this chance as a burden. And above all we should not label that response as irrational. Only then that we can hope to solve such problems and see what is truly at stake in social conflicts, namely the self-understanding of individuals, however, misguided this might be.

Until now we have been concerned with Habermas formal-pragmatic justification and why it's implausible, I have tried to show that a more substantive alternative that invokes the concept of

---

<sup>48</sup> Martha C. Nussbaum, "Women and theories of global justice: our need for new paradigms", 154.

<sup>49</sup> See Bert van den Brink's *The Tragedy of Liberalism* for more about such tragic conflicts (Bert van den Brink, "The Tragedy of Liberalism", in *Quaestiones Infnitae – Publications of the department of philosophy Utrecht University: Volume XX*, 1997).

human life-form could provide an alternative and I have argued that the important objections one might have against this alternative are not undermining. As such, we should conclude that an alternative that invokes the concept of human life-form is *at the very least* worth it to explore further. For only then we can take the fact serious that “[m]an is by nature a social animal [...] [and that] [a]nyone who either cannot lead the common life or is so self-sufficient as not to need to, and therefore does not partake of society, is either a beast or a god.”<sup>50</sup> Now if human flourishing is what is truly at stake in a practical discourse then this also provides practical discourse with an ideal, namely the ideal of a world in which the intersubjective project of human flourishing has been realized. A situation in which everyone sees the world around him, not as something alien, but as an expression of him- or herself, as something he or she belongs to – a situation in which everyone, *and this is important*, takes him- or herself seriously.

## Conclusion

The central question of this thesis was: *how plausible is Habermas' formal-pragmatic justification of discourse ethics and could the concept of human life-form provide an alternative?*

To answer this question I have *first* focused on Habermas' formal-pragmatic justification: *because* we are always already, although perhaps implicitly, committed to communicative presuppositions such as the rules of discourse *and because* we can derive (U) from these presuppositions, we are *therefore* always already, although perhaps implicitly, committed to (U) in virtue of those communicative presuppositions.

*Secondly*, I have defended that this justification is implausible. Now an important requirement every conception of morality which tries to systematically reconstruct our everyday moral experience should fulfill is that its justification should be phenomenologically correct. Habermas formal-pragmatic justification, however, does not meet this requirement. For the very fact that, we are always already, although perhaps implicitly, committed to (U) in virtue of our communicative presuppositions, doesn't show that it would be *wrong* not to adhere to (U), but only that that would be *incoherent*. And wrongness and incoherence are two phenomenologically distinct things. As such, Habermas formal-pragmatic justification isn't plausible, since it is phenomenologically incorrect and it thereby doesn't allow us to take ourselves seriously (1).

*And finally*, I have focused, on why the concept of human life-form could provide an alternative. Now such an alternative that invokes the concept of human life-form sets the stage for discourse ethics to play its part. On the one hand, the list of basic human functions this concept involves, would reconfirm the necessity of practical discourse by showing what's at

---

<sup>50</sup> Aristotle, "Politics", in *The Complete Works of Aristotle – The Revised Oxford Translations: Volume 2*, ed. Jonathan Barnes, 1<sup>st</sup> ed. (New York : Princeton University Press, 1987-1988. (1253a)

stake in it, namely human flourishing. On the other hand practical discourse would provide a way of implementing the list this concept involves by showing the procedure of argumentation with which we can do so. In this sense the concept of human life-form and that of practical discourse complement each other. And such an alternative could also plausibly show what is wrong with not adhering to (U). It would be wrong not to adhere to (U), not because it's incoherent to do so, but because it would deny someone's humanity. And such a justification would meet the earlier requirement on every conception of morality, because it gives a central role to the concept of our humanity. As such, the concept of human life-form could provide an alternative, since it is phenomenologically correct and it thereby does allow us to take ourselves seriously (2).

### Bibliography

In this thesis the following sources were consulted:

- Ackerman, Bruce. "Why Dialogue". In *Faculty Scholarship Series: Paper 142*. 1989 ([http://digitalcommons.law.yale.edu/fss\\_papers/142](http://digitalcommons.law.yale.edu/fss_papers/142));
- Aristotle. "Politics". In *The Complete Works of Aristotle – The Revised Oxford Translations: Volume 2*. Edited by Jonathan Barnes. 1<sup>st</sup> edition. New York : Princeton University Press;
- Austin, John Langshaw. *How To Do Things With Words*. Edited by J.O. Urmson and Marina Sbisa. 2<sup>nd</sup> edition. Cambridge : Harvard University Press, 1975 (1<sup>st</sup> edition 1962);
- Darwall, Stephen. *The Second-Person Standpoint – Morality, Respect and Accountability*. 1<sup>st</sup> edition. New York : Harvard University Press, 2006;
- Finlayson, James Gordon. *Habermas – A Very Short Introduction*. 1<sup>st</sup> edition. New York : Oxford University Press, 2005;
- Habermas, Jürgen. "Discourse Ethics: Notes on a Program of Philosophical Justification". In *Moral Consciousness and Communicative Action*. Translated by Christian Lenhardt and Shierry Weber Nicholsen. 2<sup>nd</sup> edition. Cambridge : Polity Press, 1990 (1<sup>st</sup> edition 1983);
- Habermas, Jürgen. *Justification and Application – Remarks on Discourse Ethics*. Translated by Ciaran Cronin, 1<sup>st</sup> edition. Cambridge : Polity Press, 1993;
- Habermas, Jürgen. *The New Conservatism: Cultural Criticism and the Historians' Debate*. 1<sup>st</sup> edition. Cambridge : MIT Press, 1990;
- Habermas, Jürgen. *The Theory of Communicative Action – Volume One: Reason and the Rationalization of Society*. Translated by Thomas McCarthy. 1<sup>st</sup> edition. Boston : Beacon Press, 1984;
- Habermas, Jürgen. *The Theory of Communicative Action – Volume 2: Lifeworld and System: A Critique of Functionalist Reason*. 1<sup>st</sup> edition. Boston : Beacon Press, 1987;
- Kant, Immanuel. *Groundwork of the Metaphysics of Morals*. Translated by Mary Gregor. 1<sup>st</sup> edition. Cambridge : Cambridge University Press, 1998;
- Mackie, J.L. "Ethics: Inventing Right and Wrong". In *Moral Discourse and Practice: Some Philosophical Approaches*. Edited by Stephen Darwall, Allan Gibbard and Peter Railton. 1<sup>st</sup> edition. Oxford : Oxford University Press, 1997;
- Marx, Karl. "Theses on Feuerbach". In *Karl Marx – Selected Writings*. Edited by David McLellan. 1<sup>st</sup> edition. Oxford : Oxford University Press, 2000;
- McDowell, John. *Mind and World*. 2<sup>nd</sup> edition. Cambridge : Harvard University Press, 1996 (1<sup>st</sup> edition 1994);
- McDowell, John. "Responses". In *Reading McDowell – On Mind and World*. Edited by Nicholas H. Smith. 1<sup>st</sup> edition. New York : Routledge, 2002;

- Nussbaum, Martha C. "Social Justice and Universalism: In Defense of an Aristotelian Account of Human Functioning". In *Modern Philology* Vol. 90. 1993;
- Nussbaum, Martha C. "Women and theories of global justice: our need for new paradigms". In *The Ethics of Assistance: Morality and the Distant Needy*. Edited by Deen K. Chatterjee. 1<sup>st</sup> edition. Cambridge : Cambridge University Press, 2004;
- Platts, Mark. *Reference, Truth, and Reality: Essays on the Philosophy of Language*. 1<sup>st</sup> edition. London : Routledge and Kegan Paul, 1980;
- Scanlon, Thomas Michael. *What We Owe to Each Other*. 1<sup>st</sup> edition. New York : Harvard University Press, 1998;
- Schopenhauer, Arthur. *The World as Will and Representation – Volume 1*. Translated by Judith Norman, Alistair Welchman and Christopher Janaway. 1<sup>st</sup> edition. Cambridge : Cambridge University Press, 2010;
- Strawson, Peter Frederick. "Freedom and Resentment". In *Freedom and Resentment and Other Essays*. 1<sup>st</sup> edition. New York : Routledge, 2008;
- Thompson, Michael. "The Representation of Life". In *Life and Action – Elementary Structures of Practice and Practical Thought*. 1<sup>st</sup> edition. Cambridge : Harvard University Press, 2012;
- Van den Brink, Bert. "The Tragedy of Liberalism". In *Quaestiones Infnitae – Publications of the department of philosophy Utrecht University: Volume XX*. 1997;
- Wittgenstein, Ludwig. *Philosophical Investigations*. Translated by Gertrude Elizabeth Margaret Anscombe, Peter Michael Stephan Hacker and Joachim Schulte. 4<sup>th</sup> edition. Oxford : Blackwell Publishing, 2009 (1<sup>st</sup> edition 1953).