Ethiopian Journal of the Social Sciences and Humanities (EJOSSAH): V. 18, No. 1
ISSN (online): 2520-582X ISSN (print): 1810-4487

A Critical Analysis of Jurgen Habermas's Discourse Theory of Morality: Exposing Some of its Unadmitted Ethical Assumptions

Getahun Dana*

Abstract

This paper defends the claim that Habermas's distinction between the moral and the ethical depends on some un-stated assumptions that he is not willing to accept. One of the assumptions concerns the presumption of the equality of the discourse participants; the other implicit assumption in his discourse theory of morality concerns the issue of reciprocity and symmetrical power relations. He takes each discourse participant as free to initiate a dialogue and to challenge the validity claims of discourse participants. Such assumptions undermine Habermas's commitment for ethical neutrality and his rejection of the substantive notions of truth. He argues that although our everyday interactions are pervaded by distortions and asymmetrical power relations there are operative principles such as reciprocity and symmetrical power relations inherent in language. The question precisely is: why should we take the principles that are inherent in language for granted? It appears as though Habermas has a pre-given reason to endorse the principles in question. By disapproving the use of threat, coercion and intimidation in the process of argumentation, and instead by insisting for the employment of, among others, symmetrical relation, Habermas is affirming the claim that humans are beings that command each other's respect. But the question precisely is, why do they command each other's respect? It appears that we cannot commit ourselves to this claim without affirming a given ontology of the human and Habermas is exactly doing that.

Keywords: the moral, the ethical, the presumption of equality, reciprocity and symmetrical power relations

DOI: https://dx.doi.org/10.4314/ejossah.v18i1.3

* Lecturer, Department of Philosophy, College of Social Sciences, Addis Ababa University, Email: Getahun.dana@aau.edu.et, Tel.: +251910997502, P.O. Box: 1176/Addis Ababa

Introduction

The purpose of this paper is to examine whether it is possible to defend a theory of a self within the context of post-conventional life. By "the post-conventional life context", I am referring to the post-modern life in which the traditionally ascribed statuses (for humans, such as humans are beings who are capable of an autonomous will) are no longer enjoying their previous unproblematic acceptance. There is a dominant line of thought today that asserts that, among others, it is not possible to provide a philosophical defense for human agency. Jürgen Habermas is one of the representatives of such position. On the other hand, there are neo-Aristotelians such as Taylor who contend that it is possible to defend a theory of a self without presupposing the subject-object metaphysics.

Habermas counters that a belief in, among others, agency or subjectivity amounts to accepting the authority of tradition without questioning it (Habermas, 1990c, p. 95). He thinks that a rationalization process has already occurred in the West and that this process can be approached as value-neutral operations. For him, we have the advantage of an epistemic gain vis-à-vis our ancestors in that we have witnessed a rationalization process that occurred in the West. Here, modernity is understood in terms of embracing the epistemic gains. In this regard, he draws on Max Weber's thesis of disenchantment which refers to the disintegration of the religious and metaphysical worldview in the West (Habermas, 1981, p. 8). And this process has led to the differentiation of three value spheres; pertaining to the objective world of science, the intersubjectively shared social world, and the subjectively experienced private world (Habermas, 1984, p. 70). While there were no differentiations of these value spheres in the pre-modern times, the modern worldview is characterized by such differentiations.

Habermas insists that such differentiation should be maintained. Not maintaining such differentiation amounts to, for Habermas, believing in the grand narratives of the pre-modern period. On the other hand, maintaining the differentiation allows us to have three different forms of rationality corresponding to the validity claims that a subject makes: the instrumental/cognitive, practical/moral and aesthetic form of rationality (Habermas, 1984, pp. 177-197). In this regard, he argues against the attempt to conceive rationality merely in its instrumental dimension, disregarding the possibility of rationality regarding the intersubjectively shared world and the privately experienced world (Habermas, 1987, p. 311). He thinks that the exclusive focus on instrumental rationality leads to what he calls "the philosophy of consciousness" which is obsolete. Thus, he argues for its replacement with "intersubjective understanding or communication"

(Habermas, 1984, p. 390). This entails that intersubjectivity comes prior to subjectivity.

Habermas emphasizes the pragmatic dimension of language which is concerned with the actual use of language in our everyday life and the relationship between subjects capable of speech. He thinks that the pragmatic dimension of language has some universal structures. The universal pragmatics aims to explicitly describe "the rules that a competent speaker must master in order to form grammatical sentences and to utter them in an acceptable way" (Habermas, 1979, p. 26). His aim is to rationally reconstruct our background languages. In other words, he attempts to articulate our pre-theoretical knowledge that are implicit in our language (Habermas, 1979, p. 15-20). It assumes that there are "general and unavoidable presuppositions of communication" (Habermas, 1979, p. 23). Here, the universal pragmatic structures are assumed as transcending the linguistic competence found in natural language. He thinks that in any speech act or utterance there is an implicitly shared understanding between the speaker and hearer. It is "shared" because it takes the speaker and the hearer as equal. Here, reaching understanding is made possible through a communicatively achieved understanding. The question then is, what justifies our taking of the discourse participants as equal in "the ideal speech situation" if there is no transcendental insight about what it means to be human? For Habermas, the presupposition of equality is inherent in the communicative practice and therefore should be viewed as such. Any attempt to grasp the underlying nature of a self-interpreting animal or the status and nature of humans, according to this line of thought, amounts to accepting a substantive conception of truth and the grand narratives of the pre-modern times. For Taylor, on the other hand, although there is no truth out there in the substantive sense, it does not mean that it is something that does not transcend language and culture. This is because he thinks that there are truths and insights that we cannot fully articulate.

The question is, if truth is not to be understood as something that transcends language and culture, does not this lead to a relativistic position which Habermas clearly rejects? He clearly denies that his theory of communicative action entail relativism. The aim of his social and critical theory is to argue against the attempt to ground theory in "ultimate foundations" and thus to argue against relativism. His aim is to establish philosophy, in the words of Maeve Cooke, in "postmetaphysical yet non-defeatist" (Cooke, 2001, p. 2) ground. But, the question is, if there are no ethical assumptions in his theory as he claims, can he manage to win philosophy's universality without giving in to relativism?

According to Habermas, the pragmatic presupposition of language leads to his discourse ethics. According to this theory, the validity of a norm is determined through a discursive process. The question then is, what guarantees that we can ever arrive at a consensus with regards to a validity of a norm? Habermas thinks that in the so-called "the ideal speech situation" there are rules and principles that should be observed so as to test the validity of a norm. Among others, he asserts that there should not be coercion, intimidation and asymmetrical power relations between discourse participants, and that the argumentation should take place between free and equal participants. For Habermas, "the universal and necessary presuppositions of argumentative speech" do not depend on any ethical assumptions. But as Benhabib argues, since they demand that we take every being capable of speech as equal discourse participant and that each participant has the right to challenge the presuppositions of the conversation, he is implicitly relying on strong ethical assumptions (Benhabib, 1990, p. 337). This is because he is simply taking for granted, and not giving the reason why each discourse partner deserves equal chance to participate in a discourse. But we cannot help asking why they deserve it and the answer would inescapably rely on strong ethical assumptions.

Habermas thinks that his theory has a universal appeal on the ground that it is grounded on what he calls "species-wide communicative competence" (Rees, 202, p. 694). In other words, the underlying assumption seems to be that humans are beings who are capable of speech. This amounts to, it is argued, a belief in the substantive notion of truth. The other problem is that his theory assumes that we are within the context of post-conventional life. But such kind of assertion can be challenged on the ground that it is grounded on a specific notion of rationality that is specific to the West. For example, the disenchantment thesis fails to be a true account of how an average African views the world. This again makes Habermas vulnerable to the charge of Eurocentrism for while assuming that his theory is neutral with regard to making ethical assumptions, he is in fact taking the rationalization process that occurred in the West as something that can universally be applicable.

Habermas's post metaphysical thinking and his theory of modernity

Habermas argues that the Western philosophical traditions are characterized for its most part by what he calls subject-object metaphysics. For him, Immanuel Kant is one of the representatives of this approach. He thinks that Kant's philosophy attempts to make an artificial bifurcation between "the extramundane stance of the transcendental I" and "the intermundane stance of the empirical I" (Habermas,

1987, p. 297). According to Habermas, this assumption rests on "the philosophy of the subject" which is obsolete. To avoid this philosophy, he thinks that reason has to be sought where it is found, i.e., in everyday communicative practice, and proposes adopting a phenomenological approach to understand our subjectivity and thus emphasized our "dialogical-being in the world" (Bernstein, 1988, p. 586). Put another way, humans are always already communicating agents.

But although Habermas's philosophy can be characterized in terms of post-metaphysical thinking, he does not believe that the cause of enlightenment is a lost cause. He believes that there is truth, though not in its substantive sense. Truth, he argues, is embedded in language. Part of the reason for disbelieving in the metaphysical assumptions of the pre-modern period is the epistemic gain we have gained in the transition from pre-modern to modern time. Here, Habermas's embrace of modernity is justified partly because there is, among others, undeniable development in scientific field. But, as I mentioned earlier, his exclusive focus on the specific experience of the West in his conception of rationality is questionable. According to Habermas, modernity is characterized, among others, by "the process of disenchantment which led to the disintegration of the religious worldview of the pre-modern period (Habermas, 1987, p. 1). But such line of reasoning rests on the dubious assumption that history proceeds along a linear path. This is dubious because there are insights that can be retrieved, as Taylor says, from the pre-modern times. As Taylor notes, modernity should be understood as an exercise in retrieval.

The other problem with such an understanding of history is that it does not take into account the fact that there are parallel insights and rationalization processes in non-Western cultures. In this regards, Taylor fares better because he attempts to build on the presumption of an equal value of cultures. This does not mean that there are no destructive elements in various cultures of the world, but we should not proceed to think in advance that some cultures are inferior and irrational to others.

Habermas's theory of modernity

Habermas argues for maintaining a strict distinction between the moral and the ethical or between the good and the right. Such distinction is necessitated by the demise of the teleological order. After the demise of such worldview, the post-conventional subject can make validity claims regarding the objective world, the intersubjective world and his subjective world to which s/he has an exclusive access. In other words, there is no truth in its substantive sense out there, but since this does not mean that relativism can be justified, Habermas attempts to find it

within our everyday language. Thus, he says, a commitment to the disenchantment thesis amounts to a belief in the "linguistification of the sacred".

For Habermas, the distinction between the moral and the ethical and between ontology and epistemology is the product of the rationalization processes which occurred in the West and hence is unproblematic. He thinks that such rationalization process which started through the public use of reason in, among others, coffee houses, has ultimately led to the differentiation of three validity claims and three corresponding notions of rationalities. This, among others, means that there is no a substantive notion of reason, rationality and truth. The problem with Habermas's thought is that he attempts to conceptualize such rationalization process in terms of culture-neutral expressions that can also apply to all cultures, regardless of their different ethical assumptions. But, one can question whether Habermas's theory of rationality relies on views which are specific to the West. The reason is that his theory of modernity (understood in terms of culture-neutral operations) leads us to ask very difficult questions with no easy answers such as are we all, regardless of our cultural differences, post-conventional subjects? Habermas's assertion here seems to be a normative one, namely, we should be. But this pushes the question further: why? Viewed from the perspectives of an African metaphysics, the search for meaning and ultimate reality is perfectly possible (Teffo, & Roux, 2002, p. 197). Here, the world is viewed as a mysterious thing that cannot be cognitively mastered. On the other hand, every phenomenon has an ultimate explanation in the supernatural realm. It can thus be concluded that his discourse theory of morality is "too laden with cultural baggage unique to the West to be universally applicable" (DeSousa, 1998, p. 22).

It can be argued that since Habermas's theory of modernity relies on views which are specific to the West, it is not universalizable (Taylor, 1994, p. 247). But, on the other hand, one might counter that the distinction between the moral and the ethical can be understood as an attempt to discover "core demands which are universal [and]are-or clearly should be-part of everyone's ethical outlook". Habermas acknowledges that the moral domain should be everyone's ethical outlook since he thinks that moral norms can be justified through discursive process. As Taylor says, Habermas's distinction between the moral and the ethical can be seen as a way of finding what Taylor calls the universal "core demands" such as the demand to alleviate suffering. However, the problem is that he thinks that such demands can be justified without relying on the moral point of view or on some notions of pre-given facts. This is because, among others, it cannot explain the question why humans command each other's respect. The other problem is that, as mentioned before, he expresses it in terms of culturally neutral operations

which cannot stand the test of experience. But, on the other hand, if he acknowledges the fact that his theory is "internal to one historical view," as Taylor argues, the radical distinction between the right and the good cannot command the universal assent of people who do not belong to the culture in question.

Habermas's discourse ethics

Although Habermas's discourse theory of morality critically appropriates the Kantian tradition, it differs from the latter by grounding normative rightness in universal consensus, and not in universal will. Moral norms are valid if and only if it is the product of an intersubjective agreement. At the level of the lifeworld, moral norms enjoy unproblematic acceptance. The necessity of discourse arises when someone challenges someone else's validity claims to normative rightness. In other words, it arises when we face a disrupted normative consensus. When this challenge is made, the subject who makes a claim to normative rightness must redeem the truth of the claim by giving reasons which must be agreed by all affected subjects. This is his universalization principle (U), which runs: "All affected can accept the consequences and the side effects its general observance can be anticipated to have for the satisfaction of everyone's interests" (1990b, p. 65).

The justification for universality, according to Habermas, emanates from the actual principles or pragmatic presuppositions that discourse participants inevitably make. He writes,

> [I]n rational discourse, where the speaker seeks to convince his audience through the force of the better argument, we presuppose a dialogical situation that satisfies ideal conditions in a number of respects, including[…] freedom of access, equal right to participate, truthfulness on the part of the participants, absence of coercion in taking positions, and so forth. It must be shown for each of these conditions of a so-called ideal speech situation (through the demonstration of performative self-contradictions) that they belong to the unavoidable presuppositions of argumentation (Habermas, 1993, p. 56).

According to Habermas, it is the content of the pragmatic presuppositions that justify the universalization principle (Habermas, 1990b, p. 86). For him, after the transition from pre-modern to modern life and the destruction of the old cosmic order, moral theory must be deontological and must deal with only questions of

justice. He therefore thinks that a distinction should be made between the moral and the ethical and the U helps us to maintain such distinction. For him, judgments of justice and right claims constitute all moral judgments. As Benhabib notes, the reason for such distinction has to do with his assumption that "only judgments of justice possess a clearly discernible formal structure and thus can be studied along an evolutionary model" (1990, p. 348). But, as Taylor and Bernard Williams note, judgments concerning the good life should not be approached as a formalistic ethical theory[†]. In other words, "the moral point of view" is presupposed and implicit in the practical discourse and this point of view is characterized not by having clearly discernible formula. But, for Habermas, subsequent to the differentiation of the value spheres and the loss of meaning in cosmic order, we can no longer conflate questions of the good life and questions of justice. He thinks that the universalization principle separates the evaluative statements from the normative ones, helping us make a distinction "between the good and the just" (Habermas, 1990b, p. 104). But as Benhabib argues we cannot maintain such strong distinction given the constraints of a discourse theory (1990, p. 358). Such constraints as Habermas acknowledges are reciprocity, equality and the force of reason. If we see the discourse in question "as continuation of an ordinary moral conversations in which we seek to come to terms with and appreciate the others point of view, the less do we submit to the distorting lens of procedural universalism"(1990, p. 358). For Habermas, reciprocity, equality and the force of reason are implicit in the structures of speech and action and they presuppose a universal (utopian) communicative community. But, at the same time, he insists that the moral point of view or a notion of the good is not pre-given; on the other hand, it is justified through a communicative action. The question then is, what justifies our decision to take the constraints for discourse as constraints if it is not some "moral point of view". It does not seem that there are any unless it is some Kantian notion that this is how it should be. For Habermas, the inescapability of these presuppositions are purely procedural and are free from any ethical assumptions. But, though he is referring to an "ideal speech situation," the presuppositions are grounded in what language users actually do (DeSouza, 1998, p. 10). These presuppositions have their origin in what we actually do in our day-to-day lives. If that is the case, then the question is, what makes these presuppositions binding for us? In the absence of ethical motivation, it is very

[†] See Bernard Williams, Ethics and the Limits of Philosophy and Charles Taylor's, Philosophy and the Human Sciences, Vol. 2, of Philosophical Papers, pp.23-247.

difficult to see why they are binding. As DeSousa says, one of the presuppositions, i.e., "the equal right to participate" appears to be "a belief in the hypergood of universal justice" (DeSousa, 1998, p. 11).

Habermas thinks that the presuppositions of reciprocity, equality and the force of reason are ones that one makes in the process of making himself understood linguistically and they are not based on an appeal to some transcendental insights. In other words, they are not based on the moral point of view. But, as Taylor asks, what provides the motivation to follow the moral rule in case of disrupted normative consensus except some sense that following the rule is of some higher worth? It appears as though there is no guarantee that we can ever reach at a consensus regarding a validity of a norm if we do not ground our argument on some notions of a pre-linguistically agreed consensus. In other words, we need to have a transcendental insight into what constitutes a valid moral norm. This is what Taylor calls "strong motivation." Taylor writes,

> As an actor, I can always ask the question why I should actually proceed according to a particular norm, namely rationally. Why should this be a norm that I cannot deny? This is a question one can only answer, to use my own terminology, with 'strong valuations'[…] Habermas, however, wishes to limit himself to a purely proceduralist ethics. We strive, according to his underlying principle, to reach rational understanding. We should endeavor to replace non-rational mechanisms of action coordination by rational forms of reaching understanding. Yet this demand is also confronted by the questions why I should strive for this.[…]I nevertheless also have other aims, other interests. Why then should I prefer rational understanding? (Taylor, 1991, pp. 30-31)

Habermas's theory failed to address such questions. It appears that we always have implicit pre-given reason for opting for rational mechanism of action coordination against non-rational means of action coordination. As Taylor argues, we find implicit in his theory a specifically Western understanding of agency which gives significant place "to discourse and reaching rational understanding" (1991, p. 31). However, Habermas takes this as accepting the ethical assumptions embedded in particular forms of life and argues that this does not meet the criterion of universalizablity.

He thus restricts his theory to rationally debatable intersubjective norms. For him, questions of the good life are not issues for impartial judgments whereas questions of justice are, because they are based on generalizable interests and as such are open to objective judgments. He writes,

> Under modern conditions of life none of the various rival traditions can claim prima facie general validity any longer.[…]If we do not want to settle questions concerning the normative regulations of our everyday coexistence by open or covert force-by coercion, influence, or the power of the stronger interest-but by the unforced conviction of a rationally motivated agreement, then we must concentrate on those questions that are amenable to impartial judgments. We can't expect to find a generally binding answer when we ask what is good for me or for us or for them; instead we must ask what is equally good for all. This "moral point of view" throws a sharp, but narrow, spotlight that picks out from the mass of evaluative questions practical conflicts that can be resolved by appeal to a generalizable interest; in other words, questions of justice (Habermas, 1990c, p. 151).

In other words, given plurality of forms of life, we cannot have a priori reason for choosing one form of life over the other. Any evaluative languages are based on partial judgment, and as such cannot be universally applicable. This requires, for Habermas, an exclusive focus on generalizable interests or questions of justice. And to get an insight into what this generalizable interest could consist of, he says we must ask the question: what is equally good for all?

In other words, he is saying that discourse theory has a narrow scope by focusing merely on generalizable interests. According to Habermas, given the diversity of forms of life and the requirement of universality, it appears that what is capable of commanding universal assent is something that makes neutral ethical assumption: "Hence, moral theories, if they adopt a cognitivist approach, are essentially theories of justice" (Habermas, 1990c, pp. 150-151). But even if he says that he is focusing on those theories that are open for impartial judgment so as to ensure its universalizablity, it can still be asked whether Habermas's theory can claim universal validity. This is because there are, as we shall see below, implicit evaluative languages in his theory.

Habermas's ideal speech situation

Habermas's aim in his discourse ethics is uncovering the rationality potentials inherent in our everyday interactions. This presupposes, among others, certain principles such as reciprocity and symmetrical power relations. He argues that although our everyday interactions are pervaded by distortions and asymmetrical power relations there are operative principles such as reciprocity and symmetrical power relations inherent in language. The question precisely is: why should we take the principles that are inherent in language for granted? It appears as though Habermas has a pre-given reason to endorse the principles in question.

By disapproving the use of threat, coercion and intimidation in the process of argumentation, and instead by insisting for the employment of, among others, symmetrical relation, Habermas is affirming that the only force that can help us win an argument is the force of the better argument. But at this point, we cannot avoid asking, should not we have a priori reason for opting for symmetrical relation against asymmetrical relation? Habermas clearly rejects the invocation of an a priori reason for the reasons mentioned earlier. Instead, he thinks that the symmetrical relations that he is advocating can be reduced to the issue of justice, not morality in the sense that neo-Aristotelians are using it. But, the question is still why the subjects who enter into argumentation deserve symmetrical relations? Unless he gives us a convincing reason why subjects are worthy of, among others, equal treatment in the communication process, we would be forced to conclude that Habermas is relying on some unadmitted substantive conception of equality. In other words, it appears that he is appealing to some assumptions about some distinctive features of humans.

With regards to the question of autonomy, Habermas argues that it cannot be conceived except in and through an intersubjective agreement. I am autonomous if and only if I am recognized as such by others. Autonomy here is achieved when a subject's action is recognized as moral by what he calls "unlimited communication community" (Cooke, 1992, p. 273). The individual subject's claim to uniqueness and distinct life-history also requires the agreement of an unlimited communication community. He writes,

> In communicative action, the imputation [to others] of self-determination and self-realization retains a strictly intersubjectivist sense: whoever judges and acts morally must expect the agreement of an unlimited communication community, whoever realizes herself or himself in a life-history for which responsibility is assumed must expect the recognition of an unlimited communication community.

> Correspondingly, each aspect of my identity-namely my understanding of myself as an autonomously acting and individuated being-can only stabilize if I am recognized as such (Cooke, 1992, p. 273).

But if one still insists that he can defend his sense of identity without needing the agreement of "the unlimited communication community," Habermas would reject this as a bad account of argument that is based on the Kantian "monologism." In order to be appealing to the other subjects, the truth claims that a subject is making need to have, according to Habermas, context-transcending forces. At the same time, he says that there is no pre-linguistically given truth. For him, truth is the product of an argumentatively reached agreement. The question is, what guarantees that we can ever reach at this consensus?

According to Habermas, there are necessary conditions that need to be fulfilled to guarantee the objective validity of the outcome. Among others, "conditions of equality and reciprocity between participants in a Diskurs must obtain if the consensus attained is to be veridical" (Dews, 1995, p. 265). For him, the "universal and necessary presuppositions" of argumentation does not amount to making any ethical assumptions about human beings. But as Benhabib asserts since Habermas's each discourse participants are assumed to be equal and free to initiate and challenge any validity claim, he is implicitly relying on strong ethical assumptions (Benhabib, 1990, p. 337). Since any speech act that aims at consensus formation requires conditions for its realization such as the lack of intimidation and manipulation and the observance of the authority of the better argument, he still needs to provide reasons why the preconditions for argumentation are justified.

His underlying assumption is that we can find "a universal idea of uncoerced communication" (Antonia, 1989, p. 732) implicit in everyday interaction. This, he asserts, does not amount to accepting a substantive notion of truth. But it is not still clear why we are opposing asymmetrical power relations, coercions and intimations and are instead opting for uncoerced communication if there is no some overarching reason for taking humans as deserving such kind of treatment

Habermas's weak transcendental justification

Habermas has what is called "weak transcendental" approach for justifying his discourse theory of morality. His main reason for adopting this approach is his beliefs in the post metaphysical thinking, the linguistic turn and a disbelief in a "subject-centered reason" (Johnston, 2016, p. 720). But, as mentioned earlier, he is not wholly arguing against transcendentalism. Some scholars contend that there are

parallels between Habermas's discourse theory and Kant's Categorical Imperative, the difference being that Habermas's transcendentalism is "weak", "soft", or "quasi" (Benhabib, 1987). Here, one might argue that his quasi-transcendental position can be deduced from the two principles implicit in his theory: the universalization principle and discourse principle.

For Habermas, a norm is valid if and only if it meets the formal constraints of discourse. These constraints are his universalization principle (U) and the discourse principle(D). According to 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.

And to U:

> All affected can accept the consequences and the side effects (the norm's) general observance can be anticipated to have for the satisfaction of everyone's interest (and these consequences are preferred to those of known alternative possibilities for regulation) (Habermas 1990b, pp. 65-6).

For Habermas, there are universal (necessary) conditions for discourse (U) and again he states that authentic discourse requires ethical conditions (D) to construct a discourse theory of morality. On the question of what justifies the U and the D, there is no agreement among scholars. While some argue for the need to transcendental conditions to justify them, some others argue for them without appealing to transcendental conditions. Those who defend the latter position contend that all that is needed is treating the issue of transcendentalism as the logical and epistemological condition, by focusing merely on the requirement of logical and dialogical principles. These principles include, among others, performative contradictions and the law of non-contradictions and the avoidance of the fallacy of circular reasoning (Johnson, 2016, p. 721). According to this line of thought, the U and the D serve only as constrains or "checks" to ensure that the principles are applicable to all contexts. The validity of a moral norm depends on the application of the U and the D, and this can be done, according to weak transcendentialism, without relying on the transcendental idea of reason. But, the proponents of strong transcendentalism argue that when it comes to justifying moral arguments, it is not possible to avoid assuming a transcendental idea of reason. They contend that without such belief, it will be difficult to construe the

force of the epistemological and logical conditions. In other words, it would beg the question to argue that the U and D do not need strong transcendental justifications on the ground that we do not have a transcendental insight into those conditions (Johnson, 2016, p. 721).

Habermas's transcendentalism is called "weak" on the ground that it does not depend on "ultimate justification" to be consistent with his postmetaphysical stance. But since transcendentalism by definition refers to a certain sort of a priori conditions, it is not clear where those conditions even in their weaker form lie. This is because, as Johnson puts it well, "it is not the epistemic truth of the propositions but the transcendental absoluteness that is precisely in question" (Johnnson, 2016, pp. 729-30). The point here is that since a claim to transcendentalism amounts to claiming with absolute certainty, and it is not about making an assertoric (true) claim, we need to know where the transcendental conditions even in their weaker forms lie. In this regard, Habermas holds that the assertoric claim applies to the world of science while maintaining absoluteness for normative issues (Habermas, 1990b, p. 93). But he insists that even normativity can be "exhausted by the notion of an 'ideal warranted assertablity'" (Johnson, 2016, p. 730). He thinks that this is a regulative idea of rightness and as such refers to claims that are fallible and therefore is opposed to Kant's apodeicticity. But, as I mentioned earlier, transcendentalism by definition means something that assumes the absoluteness (apodeicticity) of a priori insight. Therefore, the mere addition of such qualifications as "quasi" and "weak" does not make the demands of transcendentalism any less important.

Petitio principii in Habermas's discourse ethics

For Habermas, the strong sense of transcendentalism amounts to a belief in a pre-linguistically agreed norm and he rejects it on the ground that it leads to "monologim" which "calls for a universalization test from the viewpoint of a given individual" (Habermas, 1995, p. 117). Habermas's discourse ethics, on the other hand, "views the moral point of view as embodied in an intersubjective practice of argumentation which enjoins those involved to an idealizing enlargement of their interpretive perspectives" (1995, p. 117). But, as David Cheal asserts, the validity of Habermas's theory depends on the contentious claim that "communicative action is rational because it is the only means of achieving valid, intersubjective agreement about the world" (1992, p. 368). Here, rationality is essentially understood in terms of criticizability. Rationality is something that is produced in the process of argumentation and thus he takes it as something inherent in "communicative practice" (1984, pp. 8-10). But the reasoning involved is clearly

circular. The reasoning begs a question: why is rationality only found in communicative action? I do not think that Habermas has sufficiently addressed this question.

The other problem is that by taking communicative action as the only acceptable way of reaching valid intersubjective agreement, Habermas's theory subjects people's cultural norms and values to his discursive framework. But it is not clear why we should evaluate our cultural norms and values rationally. Here, Habermas reasoning seems to prescribe that we should do so because it is the rational way; he thus seems to see no problem with the circularity involved. He thinks that unless we take the communicative action as the only rational means of "testing the validity of hypothetical norms," we will end up accepting the substantive notions of truth.

The question then becomes, what justifies the taking-for-granted of the initial norms in Habermas's theory. As mentioned earlier, his discourse ethics is assumed to be universally valid if and only if it observes the constrains U and D. The question then is, what justifies the taking of these constrains as constraints? Habermas, as mentioned earlier, would reduce this to the requirement of justice, not to any transcendental insight of morality. But, by failing to justify the taking of the constraints as constraints, he is once again landing in the world of transcendentalism. It appears as if he has some transcendental insights about those constraints. In his "Remarks on Discourse Ethics" he says the following:

> We do not determine the procedure through which norms can be judged or accepted as valid – it imposes itself upon us; at the same time, the procedural practice performs the function of generation or construction no less than discovery, that is, of moral cognition of the principles of a correctly regulated communal life. This procedure admits of different characterizations and takes on a different meaning as we highlight one or the other moment of the procedural practice. If the procedure is interpreted on the model of an agreement between private contracting subjects, the moment of voluntary construction comes to the fore, whereas the model of argumentation oriented to justification suggests an overhasty assimilation of moral cognition to forms of knowledge (Habermas 1993, p. 27).

Here, Habermas does not deny that participants who enter into argumentation have a priori cognitions. But he stresses that such a prior cognition need not depend on "ultimate justification." Rather, he stresses that the

presuppositions are the inevitable conditions of discourse ethics and that the person who denies this will get into performative contradictions. But again, he insists that he is not denying the a priori conditions for the construction of knowledge, but only stressing that they are a priori only for the sake of argumentation, not in themselves (Habermas, 1978b). But, as has been mentioned earlier, it is not clear where those conditions lie.

For Habermas, the implicit universal rules and structures involved in any given argumentation does not mean that we have a transcendental insight into those rules and principles. But he thinks that it is possible to rationally reconstruct them by looking at our everyday interactions. Thus, one may argue that, his rational reconstruction is advancing "universalistic and thus very strong theses, but the status it claims for those theses are relatively weak" (Habermas 1990 c, p. 116). In other words, the universalization in question is not the universalization of substantive content, but it is that of formal rules and procedures.

According to this line of thinking, there is no pre-given norm that discourse participants can draw upon while arguing with one another. In other words, according to Habermas's discourse ethics, the validity of a norm depends on its redeemability through an argumentation. It is only those norms that pass the force of the better argument that can be taken to be normatively right. He writes,

> I may ascribe a predicate to an object if and only if every other individual who could enter into discussion with me would ascribe the same predicate to the same object. In order to distinguish true from false statements, I refer to the judgment of others—in fact to the judgment of all others with whom I could ever undertake a discussion (among whom I include counter-factually all the partners in discussion that I could find if my life history were co-extensive with the history of mankind). The condition for the truth of statements is the potential agreement of all others. Every other person would have to be able to convince himself that I ascribed the predicate "p" correctly to the object x and would have to be able then to agree with me. Truth means the promise of achieving a rational consensus (Habermas, 1990c, p. 116).

But, the claim that the truth of a statement depends on the agreement of unlimited communication community seems to be problematic. This is because it leads to what is known as a Euthyphro like dilemma: is it true because we agree to it or do we agree because it is true?

Euthyphro like dilemma in Habermas's theory

Habermas says that in the process of the rational reconstruction no one has a right to assign a predicate to an object alone, and it is the predicate that is intersubjectively agreed . But there is a circular reasoning involved here. In the process of the construction procedure, as Rees notes, constructivism cannot help facing a Euthyphro like dilemma (2020, p. 676). With regards to the discourse theory of morality, the issue concerns the status of the constraints (D) and (U). The dilemma here is this: "Either the initial conditions of choice or attitude formation are moralized or they are not" (Shafer-Landau 2003, p. 42). To put it differently, either they involve moral constraints or they do not. If we opt for the second horn of the dilemma, i.e., non-moral, it entails that the constraints do not take into account our pre-existing moral convictions. But in that case, the constraints will be "morally thin" or "relatively morally neutral", making the goal of attaining valid moral principle an impossible task. All we can get at the end of the construction procedure is, "serious indeterminacy…one can only expect some vague and indeterminate moral principles…as the result of the process of moral reasoning so characterized" (Timmons 2003, pp. 400-1). The idea here is the "thin" principles can only guarantee the construction of "thin" norms that are not substantive enough to help us escape from the dilemma. The other problem with the second horn is that the construction of valid principle, in the absence of moral principle, will be arbitrary (Rees, 2020, p. 682). But in that case, there is no way to justify our taking a specific set of constrains as the only ones available (Rees, 2020, p. 682).

Thus, the first horn of the dilemma seems to be the way out. This suggests taking the constraints on the construction procedure as moral one, implying the validity of pre-existing moral facts. But in that case the source of their moral validity cannot be the construction itself. In other words, the source of their validity has to be an independently existing moral fact. To put it another way, the constrains have to be "morally thick" in the sense that they are substantive enough that make ethical assumptions (Timmons, 2003, pp. 400-1).

But Habermas does not think that there are pre-given moral facts. He is using the word morality in a specific sense to refer to the norms and principles inherent in the practices of resolving conflicts. But, on the other hand, we cannot doubt that the constraints (U) and (D) in his discourse ethics of morality are moral principles. As Rees states, Habermas's very employment of the word "principle" with regards to the constraints on the construction process suggests that he is

relying on moral principles, though in a specific sense of the word. This seems to be justified because Habermas aims to rationally reconstruct "the concrete communicative practices of human beings, their practices of resolving conflicts and establishing the moral validity of candidate norms" (Rees, 2020, p. 689). He thinks that what emerges from the process appears to be a valid moral principle. But this is questionable because what emerges from the rational reconstruction process cannot reflect "our deepest moral conviction" (2003, p. 42). But a Habermasian may argue that the result of the construction process is not expected to agree with our deepest moral convictions. Since "Our deepest ethical convictions are by and large the products of time, culture and traditions" (Rees 2020, p. 692), and since discourse ethics does not take any socially and historically ascribed statuses for granted, the reasoning goes on, the attempt to reject the reconstruction process on the ground that it does not agree with our sense of morality seems to be unjustified. It might be argued that Habermas's aim is not mere description of our deepest moral convictions as they stand, but rather to "diagnose and rectify social pathologies" (Rees 2020, p. 689). Seen in this light, his choice for the second horn of the dilemma seems to be the only option that he can consistently defend.

But it can be argued that by taking the constraints as non-moral "we draw on deep-rooted, species-wide communicative competences when coming to agreement on the validity of moral norms" (Rees 2020, p. 694). The question then is this: is this not an affirmation of a given ontology of the humans? As Rees argues, by arguing that the communicative practices are inevitable and inescapable, he is contradicting himself. This is because the concrete practices he is relying on to generalize are specific to a given historical period. By taking moral discourse as "widespread among subjects with a postconventional moral orientation, in modern societies" (Rees 2020, p. 696), Habermas is making implicit ethical assumptions.

Examining Habermas's purely social and evolutionary genesis of the self

Neo-Aristotelian and communitarian critics have challenged the validity of Habermas's discourse ethics (Dews, 1995, p. 74). According to Taylor, Habermas's "whole conception of discourse ethics ultimately rests on specific, albeit culturally deep-rooted, commitments to freedom and autonomy" (Dews, 1995, p. 274). This again means that the commitment to freedom and autonomy "cannot be derived from the normative structure of the speech-situation as such" (Dews, 1995, p. 274). Taylor argues that implicit in Habermas's discourse ethics is

a modern conception of freedom which attempts to conceptualize freedom in terms of keeping a theoretical distance from our social and historical embeddedness. If this is true, it means that Habermas's discourse ethics makes unadmitted assertion about a specific conception of the good. He is, in other words, "strongly discriminating" in Taylor's sense, between a life in which freedom is valued and a life in which it is not valued.

Habermas maintains that the individual's capacity to maintain theoretical distance from their social contexts does not amount to abstracting oneself "entirely from the lifeworld context which shapes our identity" (Dews 1995, p. 270). But he again argues that although any self-reflection is empirically grounded, it does not necessarily mean that the participants cannot transcend their empirical contexts. He holds that validity claims have "context-transcending force" which he describes in terms of "transcendence from within" (Dews 1995, p. 270).

He holds that it is possible to construct universally valid ethical principles by merely following "the normative structure of the speech situation" (Dews, 1995, p. 274). In other words, he is saying that it is possible to construct a universal ethic without presupposing a substantive conception of truth. Taylor, on the other hand, holds that "the desire for a fully universal ethic" cannot be held without a prior commitment to a strong moral motive (1989, p. 85). In other words, for Taylor, there must be, at a motivational level, an answer to the question "why be reasonable?" and Habermas's theory fails to explain this point.

There are implicit claims of ontology on Habermas's notion of moral consciousness. For him, the validity of the disenchantment thesis commits to avoid the old substantive notion of morality in which meaning was derived from the supposed cosmic world order. But this does not mean that the post conventional subject has no need for morality. He acknowledges that it is moral principle that guides one's actions and decisions. But he insists that the moral principles and norms should be the product of discourse or rational argumentation. Here, moral insights are thought to dwell within our everyday language, and it is up to the discourse participant to spell out those insights through a rational will formation and intersubjective discourse. Unlike the Kantian categorical imperative, the moral point of view is not the product of an individual subject's exercise of will. Rather it is to be understood as the product of an intersubjective argumentation in which nothing is taken for granted a priori. In other words, for Habermas, there are no pre-given moral insights, given prior to argumentation. But the question is, can moral issues be separated from questions of ontology?

Habermas thinks that this is the case. For him, committing ourselves to the questions of ontology amounts to accepting the grand narratives of the pre-modern

world. The modern post-conventional subject cannot and should not be expected to conform, according to Habermas, to the spirited and magical world of the pre-modern world. But again, he insists, this does not mean being dismissive of morality altogether. For one of the principles that is derived from his Discourse Ethics, the universalizablity principle (U), according to him, can be taken as the justification of the moral point of view. This view is, by definition, universalizable. And he thinks that "the universalizablity principle of practical discourse acts like a knife that makes razor-sharp cuts between evaluative statement, and strictly normative ones, between the good and the just" (Habermas, 1990a, p. 104).[‡]

For Habermas, to speak of moral consciousness is to speak a value-neutral language and a language that does not rest on any taken-for-granted assumptions. As mentioned earlier, the moral point of view is the product of the rational argumentation, and, for him, this commits us to make a distinction between "the good and the just." On the other hand, for thinkers like Taylor, one cannot raise issues of morality without assuming a qualitative distinction of worth among values. For him, as long as one raises moral questions, s/he inescapably will raise matters of ontology; in other words, s/he will commit to a given ontology of the humans. Since Habermas is committed to the disenchantment thesis, he prefers epistemology to ontology, and hence he thinks that moral issues are not inescapably tied to ontological issues. Here, the underlying assumption is that ontological categories are not easily accessible for epistemological distinctions and clarifications. To put it differently, for Habermas, it is possible to commit oneself to the moral point of view without assuming the objectivity of the referent. Taylor counters that our thinking, reasoning and argumentations about morality are based on the assumption that moral reactions are not mere gut feeling and instead are "implicit acknowledgements of claims concerning their objects".

Taylor thinks that moral notions exist because the reflective self exists; they are real because the latter is real. To deny the reality of the reflective self on the ground that it is not accessible to epistemologically distinct articulations is, for Taylor, "the wrong model of practical reasoning, one based on an illegitimate extrapolation from reasoning in natural science" (1989, p. 7). For Habermas, after the demise of the old cosmic world, truth is not to be found in the world. Rather it is to be found in language and he expresses this point in terms of "the linguistification of the sacred." He thinks that the post conventional subject can

[‡] Habermas, Jurgen (1990a) Moral Consciousness and Communicative Action Cambridge: Polity Press.

only use a rational language that is not based on religious assumptions. But one can argue that Habermas's so-called rational language is not free from the Protestant religious baggage. As Robert J. Antonio puts it, "the problem of formalism can be overcome, and the true limits of immanent critique clarified, only after all the pseudohistorical baggage is left behind" (1989, p. 741).

Habermas's discourse ethics does not address the normative question of why should participants in conversation listen to each other. Unless he appeals to the Kantian notion that this is how it should be or he commits to the view that they have some "nature" by virtue of which they command each other's respect, his discourse theory would not make sense. As MacCarthy argues, the participants in Habermas's discourse ethics "remain tied to specific contexts of action and experience and thus are not able wholly to transcend the struggle between Max Weber's warring gods and demons" (1992, p. 58). In other words, although Habermas asserts that he is not appealing to any spiritual assumptions, given the underlying assumptions of his discourse ethics, he is in fact appealing to some. Here, spirituality or religiosity is not to be understood in the popular sense of being tied to the Christian God or Plato's the Good. Instead, it is to be understood to make an assumption about something that is not rationally analyzable; it is an appeal to "the incomparably higher." As Taylor also puts it, an investigation about the sources of the self "is not only a phenomenological account but an exploration of the limits of the conceivable in human life, an account of its transcendental conditions" (1989, p. 32).

Here, spirituality is understood in terms of recognizing the existence of a higher self within a self. As modern post conventional subject, we take each of us as different selves. We speak for example in terms of going through an identity crisis. But when we reflect on what we mean by our "selves", we do not mean our livers or hearts or brains or any other physical characteristics. But, on the contrary, as Taylor says, we do not take it "as interpretation free-given." In other words, we take our selves as self-interpreting animals and our identities are profoundly interpretation-dependent. And this self-interpretation always points to something that is beyond and above our subjectivity. It points to others with whom we are engaged in intersubjective conversations which presuppose an intersubjective bond. The question is, if we merely focus on the rational language of ethics as Habermas suggests, we will not be able to explain the question of why do the others deserve equal treatment in conversations. Although Habermas thinks that he has post-metaphysical orientations, this is not what is implied by the presuppositions of his discourse ethics.

As Agnes Heller argues, it is not possible to realize the concerns of justice without some kind of involvement with a "Beyond". Here, "Beyond has the connotation of higher and not only of being different" (1987, pp. 325-6). But, Habermas's "linguistification of the sacred" means that a post conventional and a post metaphysical subject cannot appeal to the "Beyond" in the sense mentioned here. The problem with the "linguistification of the sacred" is that if one does not appeal to the "Beyond" in the sense mentioned here, there is no way we can adjudicate moral disputes. Moral issues will ultimately become an arbitrary matter that cannot be adjudicated. But in that case, why do we enter into moral disputes? The very fact that we enter into such disputes indicates our implicit affirming of the higher and the beyond. As Unger notes, "if there is no larger defining reality", it means that there is no standpoint that can be criticized (1987, p. 577). If this reasoning is unproblematic, then as Dallmayr argues, it will be very difficult to detach Habermas's discourse ethics from the Kantian deontological morality (1991, p. 117).

Either the "alleviation of suffering" is a marginal issue in Habermas's discourse ethics or it is not. Habermas's clearly denies that it is a marginal issue. But he cannot make it a major issue if his discourse ethics is not grounded in the "Beyond". In other words, unless his discourse ethics is grounded on the fact that we are, as Taylor argues, strong evaluators who make discriminations of worth among goods, it cannot be defended. This is because as a social and critical theorist who wants to get away from the Kantian abstract categorical imperative and who wants instead to ground his theory in Sociologism, he inevitably relies on the notion of the incomparably higher. He must believe that some goals are worth pursuing and some actions are worth doing. Since he says that moral principles can be justified discursively, he believes in the redeemably of claims such as humans command our respect. But one cannot maintain such claim without at least implicitly relying on some ontological commitment regarding humans. This, therefore, shows the existence of un-admitted notions of truth that is grounded on something "real".

The fact that Habermas is appealing to the notion of the "Beyond" can also be deducted from the fact that for him the validity of a norm depends on the agreement of unlimited communication community. But the question is, why does one have to expect the agreement of an unlimited communication community? As long as he gives reasons for supporting his/her validity claim, one does not have to expect such an agreement. For when one presents such a claim, s/he is saying that it is possible to redeem its truth. But what if "the unlimited communication community" disagrees with the validity claim that someone asserts and defends

through what he thinks is the force of the better argument? If the subjects to the intersubjective agreements do not rely on something that transcends their points of view, there is no guarantee that they can ever reach an agreement. But as Habermas acknowledges, when a post conventional subject makes a validity claim, s/he is saying that s/he can redeem its truth through argumentation. In other words, such argumentation or discourse is oriented towards an agreement. However, there is no guarantee that we can ever arrive at an agreement if there is no agreement on the nature of the subject under investigation. It might thus be argued as Cooke asserts, all that is required from members of the unlimited communication community should be "respect, not agreement" (Cooke, 2015, p. 278).

For Habermas, a post conventional subject is one that orients his action towards a validity claim and one that makes a strict separation between the moral and the ethical. In other words, s/he is one that maintains a theoretical distance from the oft taken-for-granted assumptions of life. The question is, is this not an affirmation of a given ontology of the human, namely, the claim that humans are beings that are capable of an autonomous will. Here, autonomy is understood in the sense of orienting one's action towards validity claim. But does not such conceptualization of autonomy entail a substantive conception of reason which Habermas rejects. For it entails that it "is the capacity possessed by the individual subject" (Cooke, 2015, p. 278). It therefore looks as if humans are not only beings capable of speech but they are also beings capable of an autonomous will. This, in other words, amounts to affirming a given ontology of the humans. It is only against such ontological understandings of humans that we can attempt to explain the oft taken for granted idea that humans command our respect. As Cooke writes: "We respect persons as persons because of their capacity to act autonomously, that is, to orient their actions towards validity claims: in such a case, we respect them solely on the basis of that ability or characteristics that make them a person" 2015, p. 278).

The question then is, does not this take us to the "essentialist" philosophy that Habermas rejects? It does. But what alternatives do we have? In the absence of a satisfying explanation for our commitment to take discourse participants as free and equal (even in the disenchanted world), we will be forced to look for some explanations from other sources. As Taylor says, there is a widespread belief in the dignity of humans; we believe that humans command our respect. The problem is, from the epistemological angle, it is not possible to fully articulate what "dignity" means. However, we know a priori that human dignity is not grounded in the contingently given physical features of humans. This is partly why as Taylor contends the traditionally ascribed qualities of humans are not something we can

easily ignore. This is because they can be understood as attempts to partially spell out our deeply engrained belief in the dignity of humans.

Habermas, however, finds it difficult to conceptualize the notion of dignity that can be predicated upon human beings. For him, the so-called "dignity" can be conceptualized only within a social or intersubjective context. If a person lives alone in a certain island, s/he will not have a notion of dignity. But when s/he comes into contract with some other human beings, s/he gradually develops the notion of dignity. According to this line of thinking, it is only when we are engaged in "interpersonal relations of mutual respect, in the egalitarian dealings among persons" (Cooke, 2015, p. 278) that the issue of dignity becomes something that matters to us. In other words, for him, since what we call "dignity" is something that is socially constructed, it cannot be predicated upon human beings.

But as Taylor notes, we are beings with a sense of identity and to whom different things matter. This is why we always define ourselves in terms of some characteristics. But obviously not everything equally matters to humans. For a person, her gender identity may matter significantly in her self-definition. But it seems to me that when we assert some quality as the thing that matters to us, we are in effect saying that if some harm is inflicted upon us by demeaning, say, the thing that matters to us, we will feel, as Taylor says, "real damage"(1994b, p. 25). In other words, we are saying that we are dignified human beings who deserve to be taken seriously. But this does not mean that it is possible to fully articulate what we mean by "dignity".

However, for Habermas, we do not have epistemic access to talk about the issue of dignity. He therefore attempts to reduce the issues in question to questions of symmetrical power relations and reciprocity in communicative action. In other words, he thinks that there are no pre-given moral facts and thus maintains a distinction between the moral and the ethical. After "the destruction of the old religious worldview, moral theory can no longer rely on that order and must instead "focus on questions of justice" (Benhabib, 1990, p. 348). After the demise of the teleological worldview, practical questions can no longer rely on the notion of the goodlife and must instead be "accessible to cognitive processing" (Benhabib, 1990, p. 348). For Habermas, discourse ethics takes questions of the good life as questions of justice in order to make practical questions cognitively accessible for evaluation (Habermas, 1982, p. 246). As long as we cannot "say anything cognitively meaningful about" (Banhabib, 1990, p. 348) right claims and the issue of justice, we cannot have access to the moral domain, according to this line of thought.

But as Benhabib argues, given the constraints of discourse ethics, such strict distinction between the good life and justice cannot be made (Benhabib, 1990, p. 358). She thinks it is only the moral point of view which can only articulate the implicit structures of speech and actions presupposed by Habermas's theory (Benhabib, 1990, p. 358). For Habermas, on the other hand, judgments of justice and rights constitute the moral domain for the following reasons. First, he thinks that it is only judgments of justice that have clearly distinguishable formal structures (Habermas, 1979b, p. 78). On the other hand, judgments about the good life do not have a clearly defined shape and as such cannot be subjects for formal study on a par with questions of justice. But such reasoning, as Benhabib thinks, may entail a different conclusion than the one drawn by Habermas: it may require that judgment concerning the good life should not be subjected to formal study; but, on the contrary, it should be studied in a less formalistic way (Benhabib, 1990, p. 348). The problem here, for Habermas, is that when judgment of the goodlife is studied in a less formalistic way, what will be at stake is the required discursive justification to produce valid moral norms. It thus appears that Habermas's prioritization of the ethical over the moral is not justified given some of his most fundamental assumptions.

One of the most fundamental debates between cognitivist and non-cognitivists after the demise of the teleological worldview is the question of whether it is possible to commit oneself to some ontological issues and whether a post-conventional subject can rely on the notion of a pre-given moral fact. For Habermas, a strict commitment to the disenchantment thesis means that the validity of a moral domain depends on its epistemic justifiability. According to this line of thought, since there is no truth out there in the Platonic sense, truth remains something that can be redeemed discursively. This, among others, means that epistemology should take precedence over ontology and the ethical should take precedence over the moral. But, given Habermas's most fundamental assumptions within his discourse ethics, such assertions cannot be justified.

Conclusion

The purpose of this paper is to argue against Habermas's distinction between the moral and the ethical. He thinks that following the demise of the teleological worldview, the moral domain requires for their validity access to clearly and epistemically distinguishable formal structure. Thus, for Habermas, epistemology takes precedence over ontology. This, among others, means that we have no access to talk about "the nature and status" of the post conventional subject for that relies on the teleological worldview which is obsolete. But, one can still question

whether it is possible to completely detach oneself from moral assumptions while trying to redeem the validity of one's moral claim. It can be argued that moral disputes cannot be adjudicated if they do not rely on something that transcends our subjective points of view. As Taylor contends, moral claims cannot be our mere "gut feelings". In other words, their existence is premised on our existence and, as such, they are grounded on "the real". If this can be proved, then Habermas's claim that the moral domain can only be justified if we can epistemically justify it through the force of the better argument makes little sense. If we insist on a strict separation between the moral and the ethical, we cannot justify some of the un-problematic claims that justify the post-conventional subject such as the claim that humans command our respect. Here, we cannot help relying on some ontological notions and commitments when we argue, for example, about the relief of suffering since one inescapably asks, what is it by virtue of which each human being commands each other's respect. Thus, although Habermas thinks that he is working within the context of the disenchanted world where meaning is no longer obtained from the teleological worldview, it appears that he is relying on the notion of the "beyond" or "the incomparably higher" when he, for example, says that participants in discourse deserve symmetrical power relations. Thus, it can be argued that Habermas's discourse theory of morality or discourse ethics relies on some transcendental insights in the strong sense though he is not willing to accept this.

References

Antonio, R. J. (1989). The normative foundations of emancipatory theory: evolutionary Versus pragmatic perspectives." *American Journal of Sociology*, *94*(4), 721-748.

Benhabib, S. (1990). Afterword: Communicative ethics and contemporary controversies in practical philosophy. In S. Benhabin & F. Dallmayr, (Eds), *The Communicative Ethics Controversy*. Cambridge: The MIT Press.

Bernstein, R.J. (1988). Fred Dallmayr's critique of Habermas. *Political Theory 16*(4), 580-593.

Cheal, D. (1992). Ritual: Communication in Action. *Sociological Analysis, 53*, 192-374.

Cooke, M. (2001). Meaning and truth in Habermas's pragmatics. *European Journal of Philosophy*, *9*(1),1-23.

Cooke, M. (2012). Realism and idealism: Was Habermas's communicative turn a move in the wrong direction? *Political Theory*, *40*(6), 811-821.

CooKe, M. (2015). Habermas: Autonomy and the identity of the self [unpublished article].

Dallmayr, F. (1991). Lifeworld, modernity and critique: Paths between Hiedegger and the Frankfurt School. Cambridge: Polity Press.

DeSouza, N.(1998). Models of moral philosophy: Charles Taylor's critique of Jurgen Habermas. *Eidos*, 15(1), 55-78.

Dews, P. (1995). The truth of the subject: Language, validity, and transcendence in Lacan and Habermas. In Dewis. P. (Ed.), *The Limits of Disenchantment: Essays on Contemporary European Philosophy*. London and New York: Verso.

Habermas, J. (1979). What is universal pragmatics? In *Communication and the Evolution of Society* (pp: 2-4). Boston, MA: Beacon Press.

Habermas, J. (1982). A reply to my critics. Thomson, J. B., & Held, D. (Eds.), *Habermas: Critical Debates* (pp. 295-316). London, Macmillan.

Habermas, J. (1984). The theory of communicative action: Reason and The rationalization of society (Vol. 1). (T. McCarthy, Trans.) Boston: Beacon Press.

Habermas, J. (1986). Autonomy and solidarity: Interviews with Jurgen Habermas.. London: Verso.

Habermas, J. (1987a). The theory of communicative action I. (M. Thomas, Trans.) Boston: Beacon Press.

Habermas, J. (1987b). The theory of communicative action two: Lifeworld and systems: A critique of fundamental reason. (T. McCarthy, Trans.) Boston: Beacon Press.

Habermas, J. (1990a). Moral consciousness and communicative action. Cambridge: Polity Press.

Habermas, J. (1990b). Discourse ethics: Notes on a program of philosophical Justification. In *Moral Consciousness and Communicative Action*. Cambridge: Polity Press.

Habermas, J. (1990c). "Morality, society and ethics: An interview with Torben Hviid Nielsen. *Acta Sociologica*, *33*(2), 93-114.

Habermas, J. (1992). Postmetaphysical thinking (W. M. Hohengarten Trans.). Cambridge, MA: MIT Press.

Habermas, J. (1993). Justification and Application: Remarks on discourse ethics. Cambridge: Polity Press.

Habermas, J. (1995). Reconciliation through the public use of reason: Remarks on John Rawls's political liberralism. *The Journal of Philosophy*, *92*(3), 109-131.

Heller, A. (1987). Beyond justice. Cambridge, MA: Basil Blackwell.

Johnson, J.C. (2016). Is there a need for a transcendental arguments in dicourse ethics?" Educational theory, 66(6), 719-734.

MacCarthy, T. (1992). Practical discourse: On the relation of morality to politics. In Craig Calhoun, (Ed.) *Habermas and the Public Sphere*. Cambridge, MA: MIT Press.

Rees, D. (2020). Habermasian constructivism: An alternative to the constitutivist argument. *Kantian Review*, *25*(4), 675-698.

Shafer-Landau, R. (2003). Moral realism: A defense. Oxford: Oxford University Press.

Smith, N. (1992). Modernity, crisis and critique: An examination of rival philosophical conceptions in the works of Jurgen Habermas and Charles Taylor [Phd Thesis]. University of Glasgow.

Taylor, C. (1989). Sources of the self: The making of modern identity. Cambridge, MA: Harvard University Press.

Taylor, C. (1991). Language and society. In Alex Honneth & Hans Joas (Eds.), *Communicative Action: essays on Jurgen Habermas's Theory of Communicative Action*. Cambridge, MA:MIT Press.

Taylor, C. (1994a). Reply and re-articulation In J. Tully (Ed.), *Philosophy in an age of pluralism*. Cambridge: CUP.

Taylor, C. (1994b). The politics of recognition. In A. Gutman (Ed.), *Multiculturalism and the Politics of Recognition*. Princeton: Princeton University Press.

Teffo, L.J., & Roux, A.P.J. (2002). Metaphysical thinking in Africa. In P.H. Coerzee & A.P.J, Roux (Eds.), *The African Philosophy Reader*. Cape Town: Oxford University Press.

Timmons, M. (2003). The limits of moral constructivism. *Ratio*, *16*(4), 391-423.

Ramose, M. (2017). Ubuntu. Stroom van het bestaan als levensfilosofie. Utrecht: Ten Have.

Unger, M. (1987). False necessity:Anti-necessitarian social theory in the service of radical democracy. Cambridge: Cambridge University Press.