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## **Models of Moral Philosophy: Charles Taylor's critique of Jürgen Habermas**

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Modern moral theory is often characterized in terms of its focus on questions of right action. How should I treat other people? Given that my actions can adversely affect others, what constraints on my action are legitimate, or alternatively, what rights or freedoms should others be guaranteed? Recently, there has been a revival of what is sometimes called the neo-Aristotelian or neo-Hegelian critique of this kind of moral theory. This critique attacks the formalistic nature of modern moral theory, challenging its exclusive concern with what it is right to do and encouraging greater awareness of the role of goods and the context of ethical life. The problem is often defined in terms of the relationship between "ethics" and "morality" or "the good" and "the right".

The relative simplicity of this statement of the problem is deceiving. The relevant issues are broad and complex, extending from epistemology and moral psychology to political theory. In this essay, I will try to grapple with this problem through an examination of two thinkers whose positions fall on different sides of the dichotomy I have drawn above: Jürgen Habermas and Charles Taylor. After a brief overview of their positions and what they share, I will move on to a reconstruction of Taylor's three critiques of Habermas' theory of discourse ethics or discourse theory of morality. To be sure, this reconstruction will be only partial; it will not delve into Taylor's historical tracing of the motives behind the narrow focus of modern moral theory, for example, nor will it consider his critique of modern forms of practical reason.<sup>1</sup> The reading I offer of Taylor's critiques deals with roughly three different levels of analysis: 1) the individual and the question of "Why be moral?", 2) the socio-political and the question of justice as one good among many, 3) the global/intercultural and the question of cultural vs. acultural theories of modernity. I will conclude with some brief reflections on the implications this critique has, if valid, for modern moral theory.

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<sup>1</sup> For the former, see, for example, Taylor, "Iris Murdoch and Moral Philosophy", in *Iris Murdoch and the search for human goodness*, ed. Maria Antonaccio and William Schweiker, (Chicago: University of Chicago Press, 1996), pp. 3-28, and Taylor, *Sources of the Self*, (Cambridge, MA: Harvard UP, 1989) pp. 75-90; for the latter, see Taylor, "Explanation and Practical Reason", *Philosophical Arguments*, (Cambridge, MA: Harvard University Press, 1995), pp. 34-60.

A good place to begin is to contradict what has just been said. For to characterize Taylor and Habermas in terms of a simple dichotomy, as occupying positions that are fundamentally opposed, is to fall prey to the kind of analysis that will have no hope of bringing out clearly just what is at issue between them. For they do share much in their theoretical intentions and in their understanding of the social world. At the theoretical level, there are several common elements in the form of their arguments; for example: 1) (partly) structural accounts of language (Habermas) or moral agency (Taylor)<sup>2</sup>; 2) ad hominem modes of proof or argumentation<sup>3</sup>; 3) versions of a transcendental argument<sup>4</sup>. They also both accord primacy to the lifeworld or communities in the process of identity-formation and the development of moral agency.<sup>5</sup> An account of how Taylor and Habermas diverge in their precise usage of these theoretical elements would go some way in helping to delineate how their positions differ. But prior to all this, one might even be tempted to say at a pre-theoretical level, there is a basic intention that Taylor and Habermas share that is manifest in the spirit of their writings: the determination to overcome moral skepticism. What is more, they both believe that this is possible without the appeal to metaphysical foundations. We turn now to a brief overview of how Habermas actually goes about this, before considering Taylor's position and the multi-levelled critique of Habermas' theory that grows out of it.

### **Habermas' discourse theory of morality**

Habermas' discourse ethics or discourse theory of morality<sup>6</sup> is grounded in his analysis of the structures of discourse. Of equal importance is his belief in the rational

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<sup>2</sup> These are foundational, respectively, to Habermas' theory of communicative action set forth in his *Theory of Communicative Action*, vols. 1 and 2, transl. Thomas McCarthy, (Boston: 1984, 1987), and Taylor's understanding of the modern Western identity set forth in *Sources of the Self*.

<sup>3</sup> See, for example, Habermas' appeal to the pragmatic presuppositions of discourse, a discussion of which, in the texts relevant to this essay, may be found in section seven of his "Discourse Ethics: Notes on a Program of Philosophical Justification" (hereafter, "DE"), *Moral Consciousness and Communicative Action*, transl. Christian Lenhardt and Shierry Weber Nicholsen, (Cambridge, MA: MIT Press, 1990), pp. 82-98; or Taylor's discussion of the ad hominem mode of practical reason in his "Explanation and Practical Reason", op. cit.

<sup>4</sup> See for example, Habermas' transcendental-pragmatic justification of his universalization principle found in section seven of "DE", pp. 82-98; or Taylor's actual outline of his reading of the transcendental argument in his "The Validity of Transcendental Arguments", *Philosophical Arguments*, pp. 20-33.

<sup>5</sup> See for example, Habermas, "DE", pp. 47-48, 100, and Taylor, *Sources*, pp. 35-40.

<sup>6</sup> This second name for his theory is introduced in Habermas, "Preface", *Justification and Application: Remarks on Discourse Ethics*, transl. Ciaran P. Cronin, (Cambridge, MA: MIT Press, 1993), p. vii.

basis of morality. The first point shows us how a moral discourse should be carried out while the second tells us what its proper focus is.

In their daily lives, people engage in communicative action at the level of the lifeworld. That is, in their linguistic interactions with other people, they aim to make themselves understood and to reach agreement on one or more of three levels, corresponding to three types of implicit validity claims they can make. Roughly speaking, they can make claims relating to states of affairs in the world, how one should act, and what they sincerely believe. In Habermas' terms, these correspond respectively to claims to truth, rightness, and truthfulness, and to the objective, intersubjective or social, and subjective worlds.<sup>7</sup>

The domain of application of discourse ethics lies in the shared social world in which claims to normative rightness are made. At the level of the lifeworld, there is no distinction between the social currency of a norm and its worthiness or validity.<sup>8</sup> This "naïvely habituated"<sup>9</sup> lifeworld is the sphere of ethical life. "In this sphere, duties are so inextricably tied to concrete habitual behavior that they derive their self-evident quality from background convictions. In the sphere of ethical life, questions of justice are posed only within the horizon of questions concerning the good life, questions which have *always already been answered*."<sup>10</sup>

Here Habermas may be seen to make a move that is fundamental to his discourse theory of morality. He distinguishes sharply between two different spheres, the moral and the evaluative, a distinction he associates with the formation of the "moral point of view".

Thus the formation of the moral point of view goes hand in hand with a differentiation within the sphere of the practical: *moral questions*, which can in principle be decided rationally in terms of criteria of *justice* or the universalizability of interests are now distinguished from *evaluative questions*, which fall into the general category of issues of the *good life* and are accessible to rational discussion only *within* the horizon of a concrete historical form of life or an individual life style. [...] Only in a

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<sup>7</sup> Habermas, "DE", p. 58.

<sup>8</sup> *Ibid.*, p. 61; Habermas, "Moral Consciousness and Communicative Action" (hereafter, "MCCA"), *Moral Consciousness and Communicative Action*, p. 162.

<sup>9</sup> Habermas, "MCCA", p. 178.

<sup>10</sup> Habermas, "DE", pp. 107-108.

rationalized lifeworld do moral issues become independent of issues of the good life.<sup>11</sup>

Two characteristics of moral norms are embedded in this analysis. First, they are cognitive in nature. As Habermas writes, “To say that *I ought* to do something means that I *have good reasons* for doing it.”<sup>12</sup> In fact, the whole first part of “Discourse Ethics” is taken up with defending cognitivism in morality—Habermas’ first step of many in undermining moral skepticism. But instead of basing cognitivism on the actual existence of moral truths, which leads up a blind alley (e.g. Moore’s ethical objectivism<sup>13</sup>), Habermas proposes that we understand the normative validity claims underlying moral norms to be *analogous* to truth claims. Thus while truth claims are judged according to the criterion of objective truth, normative claims are judged according to the criterion of normative rightness or justice.<sup>14</sup> Second, moral norms, unlike evaluative ones, are candidates for universalization. They are norms whose “reference system” is not that of a particular community or form of life but of “humanity or a presupposed republic of world citizens”.<sup>15</sup>

An equally fundamental move in Habermas’ discourse theory of morality is to see the grounds of normative rightness not in some universal moral will, but in universal consensus. Moral norms are the product of social consensus. At the level of the lifeworld, however, these moral norms exist undifferentiated from evaluative ones, as we have seen. The move to discourse occurs when a validity claim to normative rightness, implicitly made, is challenged, and the consensus is disrupted. The challenged moral norm is taken out of the context in which it enjoyed a pre-reflective social currency and is now tested in a different way. Reasons must now be given for its validity; but these reasons must be agreed to by all those affected. This is captured in Habermas’ principle of universalization, (U), “*All affected can accept the consequences and the side effects its*

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<sup>11</sup> Habermas, “MCCA”, p. 178.

<sup>12</sup> Habermas, “DE”, p. 49.

<sup>13</sup> See *Ibid.*, pp. 50-54.

<sup>14</sup> *Ibid.*, pp. 51-57.

<sup>15</sup> Habermas, *Between Facts and Norms: Contributions to a discourse theory of law and democracy*, transl. William Rehg, (Cambridge, MA: MIT Press, 1996), p. 108. Although there are discussions in this most recently translated work of Habermas that encompass his moral theory, the analysis of this essay will focus on his writings in the two books already quoted from (*Moral Consciousness and Communicative Action, Justification and Application*).

*general* observance can be anticipated to have for the satisfaction of *everyone's* interests (and these consequences are preferred to those of known alternative possibilities for regulation).”<sup>16</sup> This is a modern equivalent of the ancient principle of Roman law, “what touches all should be agreed to by all”. Alternatively, it is the revised, dialogical, version of Kant’s categorical imperative.

The perspective from which moral norms can be tested and justified, i.e., at the level of rational discourse, is what Habermas calls “the moral point of view”. He finds empirical corroboration for this in Lawrence Kohlberg’s theory of moral stages, as corresponding to the “postconventional” stages in particular.<sup>17</sup> The justification for (U), however, Habermas explicitly takes up himself in “Discourse Ethics”. His basic claim is that “all studies of the logic of moral argumentation end up having to introduce a moral principle as a rule of argumentation that has a function equivalent to the principle of induction in the discourse of the empirical sciences.”<sup>18</sup> The actual principle, Habermas argues, flows from pragmatic presuppositions interlocutors cannot avoid making in discourse.

[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 rights 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.<sup>19</sup>

The content of these presuppositions in turn generates principle (U). “Every person who accepts the universal and necessary communicative presuppositions of argumentative speech and who knows what it means to justify a norm of action implicitly presupposes as valid the principle of universalization.”<sup>20</sup>

Habermas’ discourse theory of morality is characterized as cognitivist, formalist, deontological, and universalist, centring as it does on rationally debatable norms that are

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<sup>16</sup> Habermas, “DE”, p. 65.

<sup>17</sup> For further discussion see Habermas, “MCCA”.

<sup>18</sup> Habermas, “DE”, p. 63.

<sup>19</sup> Habermas, “Remarks on Discourse Ethics”, (hereafter “RDE”), *Justification and Application*, p. 56.

<sup>20</sup> Habermas, “DE”, p. 86.

tested according to the universalization principle.<sup>21</sup> The norms debated belong to one of the three value spheres that are associated with Western rationalism, namely the sphere of law and morality (the other two being the scientific-technological sphere and the sphere of art and art criticism).<sup>22</sup> The ability to differentiate between these three spheres, and more generally to take a reflective stance towards one's own form of life or culture, Habermas associates with a "decentred understanding of the world".<sup>23</sup> This also involves the distinction between something that is implicitly certain (in the context of the lifeworld) as opposed to explicitly known. Translated into the field of morality, it becomes the moral point of view from which one can distinguish between the moral and the evaluative. Discourse participants are able, from the moral point of view, to discursively test moral norms in accordance with (U). Newly validated norms are then re-inserted into the lifeworld where the processes of decontextualization and demotivation, originally undertaken for cognitive advantages, are undone.<sup>24</sup> Throughout this whole process, the role of moral theory is clear: "to clarify the universal core of our moral intuitions and thereby to refute value skepticism."<sup>25</sup>

### **Taylor's theory of moral agency**

The first common element in the theories of Taylor and Habermas mentioned above was their structural form. Whereas Habermas' discourse theory of morality is grounded in a structural account of language, in particular the pragmatic presuppositions we inescapably make and rely on as language-users, Taylor's understanding of human moral experience is grounded in a (loosely) structural theory of moral agency. The difference here between "discourse theory of morality" and "understanding of human moral experience" is an important one. Taylor does not have a coherent moral theory analogous to Habermas'; such a theory would be antithetical to his whole outlook. Unlike Habermas, he does not use his structural account to ground an explicitly procedurally prescriptive moral theory or any other kind of prescriptive moral theory for

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<sup>21</sup> *Ibid.*, p. 104; Habermas, "MCCA", pp. 120-122, "Morality and Ethical Life: Does Hegel's Critique of Kant Apply to Discourse Ethics?", *Moral Consciousness and Communicative Action*, pp. 195-197.

<sup>22</sup> Habermas, "DE", p. 107.

<sup>23</sup> Habermas, "MCCA", pp. 138-141.

<sup>24</sup> Habermas, "DE", p. 109.

<sup>25</sup> Habermas, "Morality and Ethical Life", p. 211.

that matter. Indeed, in what follows it will hopefully become apparent that getting a firm hold on what really separates theorists like Habermas and Taylor is their basic understanding of human agency, or, as Taylor puts it, “It is obvious that what divides me [...] in general from ‘proceduralists’ [of which Habermas is an example by his own admission<sup>26</sup>], is a quite different view of the human condition.”<sup>27</sup> The contrast between the use of structure in their theories is a good way to illustrate this difference.

Taylor’s theory of moral agency<sup>28</sup> is aimed at more than one audience. Two obvious ones he has in mind are naturalists and moral skeptics who want to reduce values to illusory projections onto a fundamentally neutral and physical world, and moral proceduralists, like Habermas, who strive to elaborate binding moral theories that instruct us on what it is right to do and on how to determine what it is right to do. In spite of these different audiences he has in mind, the object of Taylor’s theory, it can be argued, is relatively straightforward: to understand how human beings actually make sense of their lives.<sup>29</sup> This amounts to a study of moral phenomenology. But, as Taylor writes, “the naturalist might protest:

Why do I have to accept what emerges from this phenomenological account of identity? [...] The answer is that this is not only a phenomenological account but an exploration of the limits of the conceivable in human life, an account of its “transcendental conditions”. It may be wrong in detail, of course; and the challenge is always there to provide a better one. [...] For the aim of this account is to examine how we actually make sense of our lives, and to draw the limits of the conceivable from our knowledge of what we actually do when we do so.<sup>30</sup>

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<sup>26</sup> Habermas, “DE”, p. 57; “MCCA”, p. 122; “Morality, Society, and Ethics: An Interview with Torben Hviid Nielsen”, *Justification and Application*, p. 150.

<sup>27</sup> Taylor, “Comments and Replies”, *Inquiry*, 34 (June 1991), p. 244.

<sup>28</sup> Here I am drawing on Part I of *Sources of the Self*; the papers in Part I of Taylor, *Human Agency and Language*, (Cambridge: CUP, 1985); and several of his articles, including, “Iris Murdoch and Moral Philosophy”, op. cit.; “The Dialogical Self”, *The Interpretive Turn: philosophy, science, culture*, ed. David R. Hiley et al., (Ithaca, NY: Cornell UP, 1991), pp. 304-314; and “The Moral Topography of the Self”, *Hermeneutics and Psychological Theory*, ed. Stanley B. Messer et al., (Lodon: Rutgers UP, 1988), pp. 298-319.

<sup>29</sup> Taylor, *Sources*, p. 32, 57ff.

<sup>30</sup> *Ibid.*, p. 32. This “knowledge” Taylor calls “agent’s knowledge” which consists of formulating or articulating the sense we have as agents of what we are doing, which we must have if we are to speak of action as directed, “Hegel’s Philosophy of Mind”, *Human Agency and Language*, p. 80. See also “Overcoming Epistemology”, *Philosophical Arguments*, p. 10.

A crucial part of “drawing the limits of the conceivable” involves the articulation of what Taylor calls the “inescapable structural requirements of human agency”.<sup>31</sup> Two related such structures are strong evaluation and moral space.<sup>32</sup> Briefly, every human being, according to Taylor, exists in a space of questions about what it is good to be or do. The answers to these questions are the strong evaluations through which human beings orient themselves in this space. These strong evaluations are also what cohere to give us our sense of self, our sense of identity, of who we are.

There is an important distinction Taylor makes here between what is culturally determined and what is universal.

I believe that what we are as human agents is profoundly interpretation-dependent, that human beings in different cultures can be radically diverse, in keeping with their fundamentally different self-understandings. But I think that a constant is to be found in the shape of the questions that all cultures must address. Naturally, it is at best centuries premature to proffer anything like a structured theory of [...] what belongs to human agency as such, in all times, and places, and what is shaped differently in different cultures. But it is also undeniable that we inescapably make hazy, provisional assumptions about those timeless features of human agency that hold across cultures whenever we try to define the historically specific sense of self of a given age, like our own.<sup>33</sup>

Strong evaluation and moral space are thus examples of structures that are constants. They are, in Taylor’s words, “constitutive of human agency”.<sup>34</sup> Language and community are two other such structures. For it is only through language (understood in the broad sense to include, for example, moral languages) that we can come to have any sense of what is good and it is only in communities or “webs of interlocution” that these languages can be learned.<sup>35</sup>

The point of this structural theory of moral agency is to provide an explanation of the (transcendental) conditions of moral experience. Taylor is giving us an account of what is required for us to be moral beings, what we cannot help having recourse to qua

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<sup>31</sup> *Ibid.*, p. 52.

<sup>32</sup> “Strong evaluation” is first introduced in “What is Human Agency?”, *Human Agency and Language*, pp. 15-44. A discussion of “moral space” may be found in Chapter Two, “The Self in Moral Space”, *Sources*, pp. 25-52.

<sup>33</sup> Taylor, “The Moral Topography of the Self”, op. cit., p. 299.

<sup>34</sup> Taylor, *Sources*, p. 27.

<sup>35</sup> For “webs of interlocution” see Taylor, *Sources*, pp. 35-36. For the role of language in disclosing the good, see, for example, “Theories of Meaning”, *Human Agency and Language*, pp. 260-263.

moral beings. Where Habermas grounds his theory in the inescapable and transcendental structures of language, namely pragmatic presuppositions, Taylor grounds his theory in a study of moral phenomenology and the inescapable and transcendental structures of human agency it illuminates. Both thinkers rely on their analyses of what *is* to justify their theories. They steer clear of foundationalism. Habermas goes to great pains to show that his theory does not require “ultimate foundations”, while Taylor insists that we must not fall into the trap of understanding human agency in terms coextensive with the natural sciences, for our moral reality exists not absolutely, but only because *we* exist—“a condition for its existence is our existence”.<sup>36</sup> The reader might well ask at this point that if Habermas’ discourse theory of morality is grounded in his analysis of the structures of discourse, what exactly is Taylor using his structural theory of moral agency to ground?

### **Why be moral?**

Part I of Taylor’s *Sources of the Self* provides an extended answer to this question with its discussions of life goods, hypergoods, and constitutive goods, interwoven as it is with his elaboration of some of the structures just outlined such as strong evaluation, moral space, and webs of interlocution. Briefly, life goods give meaning and purpose to our lives and actions; examples include financial success, artistic expression, family love, and so on. Hypergoods are goods which in some way override some or all of our life goods and stand above them in importance. The modern examples Taylor considers include our commitments to universal justice, benevolence, and freedom.<sup>37</sup> And finally constitutive goods stand in relation to all these other goods as moral sources, providing the perspective within which they make sense and have meaning. Plato’s Idea of the Good, God, or the peculiarly modern example of Kant’s sense of the dignity of human life, are all examples of constitutive goods.<sup>38</sup> The outcome of Taylor’s study of moral phenomenology is the conclusion that the structures of strong evaluation, moral space, and webs of interlocution are all inescapable and constitutive of human agency as we

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<sup>36</sup> Habermas, “DE”, p. 81; “RDE”, “Reflections on a Remark of Max Horkheimer”, *Justification and Application*, pp. 76-88, pp. 144-146; Taylor, *Sources*, 56-59.

<sup>37</sup> Taylor, *Sources*, pp. 62-90.

<sup>38</sup> *Ibid.*, pp. 91-107. See also “Iris Murdoch and Moral Philosophy”, *op. cit.*, pp. 3-18.

know it. In the language of moral theory, this partly translates into the insight of the primacy of the good in human life. Taylor's elaboration of the different types of goods that can motivate us follows from this.

This brings us to Taylor's critique of Habermas's discourse theory of morality. All three levels of this critique originate in Taylor's staunch resistance to Habermas' claim that "the universalization principle acts like a knife that makes razor-sharp cuts between evaluative statements and strictly normative ones, between the good and the just."<sup>39</sup> The first critique is on the motivational level. Taylor does not believe that this separation between the good and the just can be made without doing irreparable damage to the motivational anchoring a sense of the good provides. Put another way, moral action always involves some notion of the good that endows it with meaning. To abstract from this context in the manner of Habermas is to artificially divide up something which in lived experience is perceived as a totality. (But this is perhaps putting the case a little too strongly, for Taylor's thought appears to have shifted in emphasis recently, as we will see more clearly in the last section.)

There are two questions being posed here in which the problem of motivation figures. Earlier, moral proceduralism was seen to involve two things: defining what it is right to do and determining how to go about defining what it is right to do. They are, no doubt, intimately related. Taylor's critique of proceduralism in moral theory encompasses both questions. He both wants to challenge the exclusive focus of contemporary moral theory on what it is right to do and to expose the inadequacy of the various means devised to determine what it is right to do. In the first case, this focus is problematic because it fails to give recognition to the underlying goods involved in any definition of right action. Take, for instance, the example of charters/bills of rights and freedoms. Taylor's point is that freedoms of expression or religion can only make sense in the context of a civilization in which expression and religion are recognized as goods.<sup>40</sup> It is, however, more in relation to the second point that Taylor takes issue with Habermas, namely, rational discourse as a means for determining what it is right to do.

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<sup>39</sup> Habermas, "DE", p. 104.

<sup>40</sup> See, for example, the discussion in Taylor, "Atomism", *Philosophy and the Human Sciences*, (Cambridge: CUP, 1985), pp. 187-210.

Habermas, as we have seen, grounds his discourse theory of morality in the pragmatic presuppositions any interlocutor seeking to be understood inescapably makes. He tries to lead us from these unavoidable presuppositions, through logical extrapolation, to his discourse ethics. But this theory and extrapolation, though apparently commonsensical, is based on what we *do*. Just because in an ideal speech situation all the pragmatic presuppositions Habermas lists would be fulfilled does not suffice to demonstrate that their inescapability is purely procedural and independent of ethical motivation. To say that these presuppositions have their origin exclusively in argumentation seems unrealistically reductivist. It might be argued that it is modern hypergoods that do in fact make many of these presuppositions binding. What is “absence of coercion” but a devotion to the hypergood of modern freedom? What is “equal rights to participate” but a belief in the hypergood of universal justice?

Habermas might plausibly respond that the normative content of these presuppositions notwithstanding, they do stand independent of any individual’s commitment to the related goods because they are necessarily built into the process of making oneself understood linguistically. There is simply no alternative. At this point, however, Taylor would raise the issue of motivation. Pragmatic presuppositions are employed to justify Habermas’ discourse theory of morality. Rational discourse is predicated upon them. But in the face of some disrupted normative consensus, when we would logically move to the level of reflective communicative action, i.e., discourse, *what actually compels me to make this move?* What compels us to proceed in the manner some theory bids us to other than some sense that this is how we *should* act? For example, in the case of the categorical imperative, when it tells me that I should not steal, it is respect for the moral law that compels me to follow this order. This respect is a prime example of a strong evaluation—the moral law is respected as something of ‘higher importance or worth’. In this, Taylor is casting doubt on Habermas’ own justification for his discourse ethics. Specifically, what compels me to enter into rational discourse in the first place? In short, “why be moral?”

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 which 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 endeavour 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?<sup>41</sup>

Taylor believes that the reason Habermas' theory resonates with us lies in its appeal to concepts with which we are all familiar. "It is nonetheless very convincing for us as contemporaries [...] only because we implicitly share a concept of humankind which allocates a central position to discourse and reaching rational understanding."<sup>42</sup> This wider enabling context is hidden from view in Habermas' attempts to ground his theory in terms that he believes are universal and independent of any substantive notions associated with particular forms of life. Taylor's main point then is that, decontextualized, Habermas' discourse theory of morality cannot stand on its own.

Habermas' response to this challenge has been to defer to the lifeworld in two ways. First, he recognizes that discursively tested and justified norms do lose their motivational anchoring in the process. In this regard he proposes that "rationalized lifeworlds" must be able to meet discourse "halfway" in order to reverse the process of decontextualization and demotivation.<sup>43</sup> This process was originally undertaken in order to restrict the debate on these norms to rational considerations such that the "moral solutions retain only the rationally motivating force of insights."<sup>44</sup> Discourse focusses justification on the cognitive side of morality. Second, in response to the question of why one should be compelled to enter into this process of discourse in the first place, Habermas again calls upon the resources of the lifeworld. He maintains that this is not a question for moral theory.

Hence moral theory is competent to clarify the moral point of view and justify its universality, but it can contribute nothing to answering the question "Why be moral?" whether this be understood in a trivial, an existential, or a pedagogical sense.

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<sup>41</sup> Taylor, "Language and Society", *Communicative Action: essays on Jürgen Habermas's Theory of Communicative Action*, ed. Axel Honneth and Hans Joas, (Cambridge, MA: MIT Press, 1991), pp. 30-31.

<sup>42</sup> *Ibid.*, p. 31.

<sup>43</sup> Habermas, "DE", p. 109; "MCCA", pp. 178-179; "Morality and Ethical Life", p. 207.

<sup>44</sup> Habermas, "MCCA", p. 178.

But even today philosophy can explicate the moral point of view from which we can judge something impartially as just or unjust; to this extent, communicative reason is by no means equally indifferent to morality and immorality. However, it is altogether a different matter to provide a motivating response to the question of why we should follow our moral insights or why would be moral at all.<sup>45</sup>

Instead, Habermas believes that it is in the context of the lifeworld that people are socialized into being sensitive to moral questions and that this sensitivity is assumed by his discourse theory of morality. “The inarticulate, socially integrating experiences of considerateness, solidarity, and fairness shape our intuitions and provide us with better instruction about morality than arguments ever could.”<sup>46</sup>

The issue between Taylor and Habermas on the motivational level thus comes down to what the ideal form of a moral theory is. For Habermas, moral theory should be restricted to questions of justice and right action, and principle (U), in accordance with which we deliberate on these issues, in turn can obtain justification in the normative content of the binding presuppositions of discourse. For Taylor, this is to fail to do justice to an important structural requirement of full moral agency. A moral theory must deal with the motivational question. It must recognize that moral action, whether it be a question of doing the right thing or of the will to determine what that is, is bound up with a commitment to the goods involved which underlie our sense of *why* it is the right thing to do or way to proceed. Habermas’ failure to grapple with this question thus, for Taylor, deals a severe blow to the force and credibility of his theory, while for Habermas, avoiding this question is a necessary step in securing the universal applicability of his theory. Perhaps this difference is best captured in the fact that while Taylor wants moral theories to represent more adequately and thus do justice to what is required for full and undamaged moral agency, Habermas finds “negative versions of the moral principle [...] to be a step in the right direction [for] as in the case of discourse ethics, [they] refer negatively to the damaged life instead of pointing affirmatively to the good life.”<sup>47</sup> For Taylor, moral theory should attend to the requirements of a full moral life; for Habermas it should confine itself to the basics of rights and justice.

<sup>45</sup> Habermas, “RDE”, p. 77; “Reflections on a Remark of Max Horkheimer”, p. 146.

<sup>46</sup> Habermas, “RDE”, p. 76. See also his discussion of moral phenomenology and “webs of moral feelings” in section I of “Discourse Ethics”, pp. 45-50.

<sup>47</sup> Habermas, “Morality and Ethical Life”, p. 205.

### **Proceduralism and the diversity of goods**

Another way in which Habermas tries to justify the form of his theory is through its scope. He would probably say that in contrast to Taylor he is not concerned with giving an account of how full moral agency works. While he acknowledges the constitutive role of the lifeworld in the development of moral identity, his discourse theory of morality is confined to intersubjective norms that are rationally debatable.

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 regulation 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 judgements. 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.<sup>48</sup>

Habermas is thus careful not to claim for his theory more than its narrow scope allows for. He justifies the form and focus of his theory by appealing to the irreconcilable plurality of “life projects” and “collective forms of life”. “What is capable of commanding universal assent becomes restricted to the *procedure* of rational will formation.” And this procedural form, embodied in (U), in turn determines the proper focus of the theory: “Hence moral theories, if they adopt a cognitivist approach, are essentially theories of justice.”<sup>49</sup>

Taylor's second critique takes aim both at this proceduralism and at the focus on issues of justice by asking how well they measure up to actual individual and collective moral life. At the level of the individual, Taylor has drawn attention to what he calls the “diversity of goods”.<sup>50</sup> Any individual, over the course of his or her life, is confronted with different goods which make competing claims on him or her. Taylor uses

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<sup>48</sup> Habermas, “Morality, Society, and Ethics”, p. 151.

<sup>49</sup> *Ibid.*, p. 150, 151.

<sup>50</sup> Taylor, “The Diversity of Goods”, *Philosophy and the Human Sciences*, pp. 230-247.

Aristotle's term *phronesis* to capture the form of reasoning involved in trying to balance these goods and virtues and to combine them into some coherent order in the course of one's life.<sup>51</sup> The problem with a theory like Habermas' is that it unifies the moral domain into issues of the right, hiding from view this diversity. On the broader view, rationality or reasonableness, as it figures in Habermas' theory, becomes one among many goods that we try to realize in our lives.

The same diversity of goods translates onto the social or political level. By focussing his moral theory on rationally debatable issues of justice alone, Habermas avoids dealing with the difficult questions of arbitration in cases where the pursuit of collective goals, such as the preservation of group identity, are seen to conflict with individual rights. What is morally binding cannot always and in every case override every other consideration. As Taylor writes, "Questions of justice can vary all the way from those which cry to heaven for vengeance to minor inequities, while issues about the good life range from relatively minor potential enrichments to what gives meaning to my life."<sup>52</sup> This messy reality is lost from sight in Habermas' discourse theory of morality.

Habermas might then respond that his theory is concerned only with questions of justification, and not with application. For example, when he is posed with the problem of competing principles of justice, he replies, "Now all of these principles of justice can be justified from the perspective of universalizability and can claim *prima facie* validity. But only in their application to particular concrete cases will it transpire *which* of the competing principles is the most appropriate in the *given* context."<sup>53</sup> Thus the problem of conflicts between collective goals and individual rights and competing principles of justice is seen as falling outside the scope of his theory and as more properly the "task of discourses of application".<sup>54</sup> The question almost poses itself: if moral theory is so limited in its scope, how well does it match up with reality, and therefore, how practical is it?

Ethical life in fact faces us with choices in which everything: moral principles, goods, interests, our own future and that of others, all come into consideration. Unless we have some way of showing a priori

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<sup>51</sup> *Ibid.*, p. 244.

<sup>52</sup> Taylor, "Comments and Replies", p. 243.

<sup>53</sup> Habermas, "Morality, Society, and Ethics", p. 152.

<sup>54</sup> *Ibid.*

that some of these always and exceptionlessly take precedence over others, we cannot in fact afford to segregate the discipline of practical philosophy into watertight compartments. If this is so then the reproach I want to level at proceduralists is a serious one: that they don't give enough attention to the good to determine whether and when the moral principles they offer ought to be modified to accommodate its demands.<sup>55</sup>

Thus by modelling his theory on a procedural form and confining it to rationally debatable issues of justice, Habermas may have won universalizability for his theory, but at the price of practical efficacy.

### **Acultural vs. cultural theories of modernity**

However, it is by no means clear that Habermas' theory can indeed claim universal validity. It is with this claim that Taylor's third critique of Habermas begins. Earlier in this essay it was claimed that Taylor's three critiques all revolve around Habermas' claim that sharp and clean cuts can be made between moral and evaluative questions, between the good and the right. It was noted, however, that to say that Taylor is opposed to all attempts to think abstractly about the right would be to put the case too strongly, especially given a recent shift in his thinking. In this section, we turn our attention to this shift.

Despite the two lines of critique already explored, there is undoubtedly something compelling about Habermas' discourse theory of morality and it is something his theory shares with all other contemporary moral theories which try to ground universal conceptions of justice and right action. The origins of the power of such theories for us lie deep in the history of the modern West and can be traced at least to the emergence of the principle of toleration in the aftermath of the Wars of Religion. Taylor is not insensitive to the force of this line of thinking. In his own way, he agrees with Habermas in according a priority, at the socio-political level, to a certain set of issues. But it is important to be clear on how they differ from each other in defining this set of issues. Indeed, Taylor does not actually provide a clear statement of his position. This is because he does not believe the distinction between two sets of issues, characterized in terms of moral/evaluative or good/right, can be made a priori. He does, however,

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<sup>55</sup> Taylor, "Comments and Replies", pp. 244-245.

acknowledge that there is certainly a sense of this distinction, a sense that there is a set of “core demands which are universal [and] are—or clearly should be—part of everyone’s ethical outlook.”<sup>56</sup>

But, how to justify these attempts to define a core? Now I think that the wrong way to try is through some epistemological distinction: the core would be in some way more obvious, less contentious and open to dispute, than understandings of the good life. This kind of distinction is made, of course, by certain modern Western theories, notably Kantian ones: the rule of right can be distinguished from people’s conceptions of happiness (Kant), or of the good life (Habermas), and given a different, more secure foundation (in reason itself, or the commitments involved in discourse, or whatever). But this distinction is internal to *one* historical view. One couldn’t ask an Aristotelian or a Thomist, let alone people from other cultures altogether, to buy this radical distinction between the right and the good, or between definitions of rights and those of human flourishing.<sup>57</sup>

Taylor’s third critique of Habermas’ discourse theory of morality thus amounts to accusing it of claiming universal validity even though it is full of terms and distinctions, on which it depends, that are “internal to *one* historical view”. Examples of such terms and distinctions include its particular conception of rationality, the distinction between the moral and the evaluative, and the decentred understanding of the world (which entails the adoption of a hypothetical stance by members of a culture toward their own traditions and thus the grasping of their own cultural relativity<sup>58</sup>). This latter notion is associated with the development of Western rationality and is “characteristic of modern societies”.<sup>59</sup> Habermas’ beliefs in this regard are made more or less clear when he admits to agreeing with Max Weber and with some version of his thesis of “the universal cultural significance of Occidental rationalism.”<sup>60</sup>

Thus Taylor believes that Habermas’ approach is the wrong one because it fails to acknowledge just how much of that approach is specific to the modern West. Habermas’ discourse theory of morality grows out of his theory of modernity. Along with the terms just mentioned, this theory posits the gradual delineation of the three validity spheres as a

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<sup>56</sup> Taylor, “Reply and re-articulation”, *Philosophy in an age of pluralism*, ed. James Tully, (Cambridge: CUP, 1994), p. 247.

<sup>57</sup> *Ibid.*

<sup>58</sup> Habermas, “Morality, Society, and Ethics”, p. 157.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*, p. 158.

process inherent to modernization. This is, for Taylor, an example of an “acultural” theory of modernity. Whereas a “cultural” theory of modernity “characterizes the transformations which have issued in the modern West mainly in terms of the rise of a new culture”, an acultural theory “describes these transformations in terms of some culture-neutral operation.” For example, it speaks of “the growth in reason, defined in various ways: e.g., as the growth of scientific consciousness, or the development of a secular outlook, or the rise of instrumental rationality, or an everclearer distinction between fact-finding and evaluation.”<sup>61</sup> Acultural theories of modernity might also conceive of the transformations negatively, in terms of something having been lost. Either way, there is an evaluative judgement built into the theory. Cultural theories do not depend on such judgements, describing the change rather “in terms of a contrast between constellations, before and after”.<sup>62</sup> Taylor insists that this does not mean we must succumb to cultural relativism. “We don’t need to agree with Cortés and the Conquistadores, and conclude that the Aztecs served the devil; we can come to a deeper and fairer understanding of what underlay their practice of human sacrifice, and still judge that it is well that the practice has ceased.”<sup>63</sup> What a cultural approach opens to us is the possibility of a deeper understanding of other cultures, one which doesn’t prejudge them negatively in terms of some Western-centric theory of modernity.

Now Taylor’s endorsement of this cultural approach to understanding modernity has ramifications for his views on how one might go about defining, and grounding, the set of issues or universal core demands that should be a part of everyone’s ethical outlook. Instead of appealing to some epistemological distinction, Taylor wants to argue, in line with Rawls, for some notion of an overlapping consensus. The argument might be put in the following way.

We all seem to share an intuition that these human immunities are of unique importance, although we articulate this in very different terms, and draw the boundaries of these immunities differently. Let’s see if we can

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<sup>61</sup> Taylor, “Inwardness and the culture of modernity”, *Zwischenbetrachtungen: im Prozess der Aufklärung*, ed. Axel Honneth, Thomas McCarthy, Claus Offe, and Albrecht Wellmer (Frankfurt: Suhrkamp, 1988), p. 601.

<sup>62</sup> *Ibid.*, p. 604.

<sup>63</sup> *Ibid.*, pp. 604-605.

come to some agreement on these boundaries, each from within our own horizons.<sup>64</sup>

The above-mentioned shift in emphasis in Taylor's philosophy centres on this acknowledgement of the possibility of an overlapping consensus. This complements Taylor's more prominent focus in his writings on the understanding of historical change and cultural difference on "the goal [of] a common language, common human understanding, which would allow both us and them undistortively to be." In his discussion of the possibilities of reaching this goal, which I have space only to mention here, through "languages of contrast and comparison", and the attainment of a "fusion of horizons," Taylor draws inspiration from the work of Gadamer.<sup>65</sup> The acknowledgement of this possibility might be interpreted as motivated by a sense both of the depth of cultural difference and/or the practical (and, perhaps, urgent) need for agreement through consensus in the face of forces of globalization. The deeper the cultural difference, the greater the difficulties associated with finding a common language, let alone achieving a fusion of horizons. An overlapping consensus is, by definition, more practically workable.

An overlapping consensus, however, is itself no easy answer. For example, as Taylor cautions, we can't assume that a world consensus would be framed in the language of rights.<sup>66</sup> We would first need to separate out from this language, as far as this is possible, the cultural content that is specifically Western.

For the Western rights tradition also carries certain views on human nature, society, and the human good that are elements of an underlying justification. [...] Many societies have held that it is good to ensure certain immunities or liberties to their members. [...] Everywhere it is wrong to take human life, at least under certain circumstances and for certain categories of persons. [...] But a quite different sense of the word is invoked when we start to [...] speak of "a right" or "rights". [...] This is to introduce what has been called "subjective rights." [...]  
[S]ubjective rights are not only crucial to the Western tradition; even more significant is the fact that they were projected onto Nature and formed the basis of a philosophical view of humans and their society, one that greatly

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<sup>64</sup> Taylor, "Reply and re-articulation", p. 248.

<sup>65</sup> Taylor, "Comparison, History, Truth", *Philosophical Arguments*, pp. 148-151.

<sup>66</sup> Taylor, "A World Consensus on Human Rights?", *Dissent*, Summer 1996, p. 15.

privileges individuals' freedom and their right to consent to the arrangements under which they live.<sup>67</sup>

Some cultures may find the underlying philosophy of the human person and its implicit emphasis on autonomy to be in fundamental contradiction to their own philosophy or way of life. For example, in the West, a certain form of humanism often held to be the basis of human rights doctrine “stresses the importance of the human agent. It centers everything on him or her, makes his or her freedom and self-control a major value, something to be maximized.”<sup>68</sup> In contrast to this, Taylor considers how this might fit with the Theravada Buddhist search for “selflessness, for self-giving, and *dana* (generosity)”.<sup>69</sup> In searching for a “world consensus on certain norms of conduct, enforceable on governments”, Taylor therefore sees the central question as being something along the lines of the following: “what variations can we imagine in philosophical justifications or in legal forms that would still be compatible with a meaningful universal consensus on what really matters to us, the enforceable norms?”<sup>70</sup> He then goes on to depict a Buddhist reform movement in Thailand that is striving to rethink both Buddhist philosophy and the insights of the Western language of rights in order for the latter to be compatible with Buddhist ideas of *metta* (loving kindness) and *karuna* (compassion).<sup>71</sup> This points to the conclusion that some consensus, amidst the reality of cultural pluralism, might in fact be possible.

Taylor's exploration of the issue of justice in the contemporary world in this way also shows his position on the extent to which the cultural context must be taken seriously. A crucial difference between Rawls' notion of an overlapping consensus and Habermas' discourse theory of morality turns on their understanding of the meaning and implications of cultural pluralism. Habermas draws the distinction erroneously between the realm of the lifeworld and the realm of discourse ethics with its moral point of view. For the latter is merely the expression of (his reading of) a particular culture, that is, Western culture. For Taylor, the distinction is in fact of a different order. It involves distinguishing between those things that are particular to a certain culture and those

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<sup>67</sup> *Ibid.*, p. 16.

<sup>68</sup> *Ibid.*, p. 20.

<sup>69</sup> *Ibid.*, p. 17.

<sup>70</sup> *Ibid.*, pp. 17-18.

<sup>71</sup> *Ibid.*, pp. 18-19.

things that are common to all cultures in some form and which can therefore be the proper object of an overlapping consensus, as Taylor understands this. Respecting cultural difference in the former case leads to an attitude of what one might call “cultural phronesis”. In the latter, respecting cultural difference, Taylor would agree with Rawls, is crucial to attaining a “stability for the right reasons”. It is not enough for this lifeworld to offer the content of the norms to be tested and to re-integrate them once tested. Cultural difference must also be respected at the level of justification itself. This is the heart of Taylor’s third critique of Habermas.

### **Conclusion: the problem of grounds**

In his article, “Morality and Ethical Life: Does Hegel’s Critique of Kant Apply to Discourse Ethics?”, Habermas poses the question we have been considering throughout this essay in a pointed fashion.

Can one formulate concepts like universal justice, normative rightness, the moral point of view, and the like independently of any vision of the good life, i.e., independently of an intuitive project of some privileges but concrete form of life?<sup>72</sup>

Habermas’ answer to this is clear. Yes, such formulation is possible, and his discourse theory of morality accomplishes this insofar as it is grounded in the structures of language.

It is no wonder that ethical positions starting from the ethics (*Sittlichkeit*) of such concrete forms of life as the polis, the state, or a religious community have trouble generating a universal principle of justice. This problem is less troublesome for discourse ethics, for the latter presumes to justify the universal validity of its moral principle in terms of the normative content of communicative presuppositions of *argumentation* as such.<sup>73</sup>

Taylor, as we have seen, has serious problems with this formulation of Habermas’. First, there is the problem of motivation. The discourse theory of morality is incapable of answering the question, “Why be moral?”. Instead of owning up to the goods it is in fact moved by and on which it depends (e.g. a certain conception of rationality, modern

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<sup>72</sup> Habermas, “Morality and Ethical Life”, p. 205.

<sup>73</sup> *Ibid.*, footnote 19, p. 214.

hypergoods of universal justice and freedom) it strives to maintain its universal—and hence *unsubstantive*—validity by relegating the question of motivation to the lifeworld.

Second, there is the question of the lack of fit between its procedural form and narrow focus on justice and the real moral world. The upshot of this form and focus is that the messiness and complexity of moral reality is lost from sight. Many of the really difficult moral questions involving, for example, conflicts between collectively pursued goods and individual rights or the problem of competing principles of justice, are again seen to lie outside the scope of moral theory and to be the task, rather, of discourses of application. Habermas is careful in this regard to define the tasks of his theory as including clarifying the moral point of view and the problem of justification.

It is by no means clear, however, that Habermas' notion of the moral point of view and his understanding of justification are in fact universally accepted. In fact, they patently are not. The point of his theory, however, is that they *could* be. Taylor's third critique originates in the challenge to this claim and takes issue with the acultural theory of modernity on which it depends. Habermas' discourse theory of morality is simply too laden with cultural baggage unique to the West to be universally applicable.

This brings us to what I believe is an issue of fundamental importance for the question of justice in the contemporary world: what are the proper grounds for a conception of justice? In all three critiques of Taylor's, his structural theory of moral agency has been a factor. The problem of motivation, the diversity of goods and *phronesis* (at the individual and socio-political level), and the role of cultural background in moral conceptions are all based on the insight that substantive notions or ideas of the good are a structural requirement of moral agency. On this reading, Habermas' theory is grounded in terms and distinctions which, despite their patina of proceduralism, are powerful in the modern West not only because of the substantive notions implicit in them that are widely shared, but also because proceduralism itself is a form of justification at home in the West. If Taylor is right, then any conception of justice that wants to claim universal validity must 1) be open about the inescapable substantive conceptions on which it relies, and 2) those conceptions must take seriously the reality of cultural difference. It is in light of these requirements, it seems, that Taylor finds plausibility in the idea of an overlapping consensus. For while it achieves the goal of grounding a

universal conception of justice (in terms of human rights, for Taylor), it is also sensitive to the constitutive role of conceptions of the good and the diverse cultural backgrounds out of which they originate.

More generally, the implications of Taylor's three critiques of Habermas' discourse theory of morality amount to a call to rethink the form and categories that have marked mainstream moral theory in the West at least since Kant and to supplement them with categories that have hitherto been marginalized. Not only are the form and categories internally problematic, e.g. in not being able to address the issue of moral motivation, but their acceptability in theories of justice which purport to be universal is increasingly being challenged. The basic charge is that the gaps or inadequacies identified in Habermas' theory seriously undermine its validity. If moral theory is to even hope to be of practical significance, its practitioners need to be less theoretically hidebound and must seek to devise theories in which moral agents can recognize more fully both themselves and the world in all of its messy complexity. For many, the neatness of procedural moral theories, and more importantly, the *grounds* for that neatness, are growing increasingly dubious.

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[The following is an electronic scan of Charles Taylor's response to the foregoing article, published in the same issue of *Eidos*.]

Heath expresses very well what I think is the crucial place of finding the right language in this search for self-clarity. Very often the terms which will allow us to recognize what we want to be are missing. In extreme cases, perhaps, not yet extant in our culture; but in other more frequent cases, they will be already articulated in works of literature or philosophy, or in the terms current in milieu unfamiliar to us. That is where the counsel of someone who has read more, or moved more widely than ourselves — not necessarily a philosopher — can be immensely helpful. Perhaps in the light of this, we ought to speak of “humanistic counseling,” rather than just narrowly of philosophers. The whole range of the humanities, literature, history, as well as philosophy, can be good training for this.

Lastly, Heath connects all this to the central place of dialogue in our self-clarifications. I really don't have anything to add to his very clear and concise formulation.

Nigel DeSouza has given an account of the differences between Habermas and myself about moral theory. I think he has zeroed in on the three important areas, at least from my point of view. The problem is that the differences between the “proceduralist” and “substantivist” construals of morality go so deep, that it is hard even to get an agreed formulation of what is at stake.

DeSouza distinguishes three lines of critique that I want to make of Habermas: “1) the individual and the question of “Why be moral?,” 2) the socio-cultural and the question of justice as one good among many, 3) the global/intercultural and the question of cultural vs. acultural theories of modernity” (p.56).

The first question shows the cross-purposes between Habermas and myself. If the question here is, what (in fact) motivates people to act morally? or, how can we motivate people to be moral? the answer might well be: different things in different circumstances, or: let's socialize them in the right way. This seems to be the way Habermas wants to approach this question, which seems to him to be something quite distinct from the question: how do we determine what is morally right? (See the quotes in DeSouza's paper, pp. 57, 59).

But this approach seems to me to evade a very important issue. Like much modern moral philosophy, it tends to skirt the question of the place of

the moral-ethical in our lives; or else it assimilates this to questions of psychology, sociology, de facto motivation.

But this misses something vital, which I was trying to bring out by what I called moral "phenomenology." One feature of the 'moral', as we understand it in our civilization is its over-riding character; a moral obligation comes across to us as something which ought to take precedence over mere desires and preferences, for instance. One might say that this is constitutive of what we mean as moral. If nothing took de jure precedence in this way, we wouldn't have a category of the 'moral.' People like Nietzsche, who want to challenge this precedence, denounce "morality."

What I would like to understand better is why we have this sense; what is it about the moral which confers on it its over-riding character? This is close to the question of justification (the obvious sense of the query: why be moral?), but not quite the same. Because after I have clarified what for me gives this status to morality, I can still entertain a critical challenge to it. It is part of the answer to the query: what *de facto* motivates people to be moral? but far from the whole response, because it only tells me what justifies the precedence, not the different things in peoples's lives, upbringing, societies, etc., which bring them to want to act on this.

The point of moral phenomenology is rather elsewhere. It should tell you just what you must be recognizing in your world in order to have assumed the moral standpoint. By exploring the reasons for this standpoint, it can tell you what you can't genuinely and lucidly repudiate while you occupy this standpoint. It gives, in other words, the shape of the strong evaluations which define this standpoint.

Now exploring this is worth while for a whole host of reasons, ultimately for the Socratic one, that it is part of the examined life to do so. But it also has particular consequences for the debate between substantivists and proceduralists. The latter claim to make a distinction between morality and ethics, or interpersonal justice and issues about the good life, whereby a) questions of morality can be decided without reference to the considerations which are adduced by ethics, and b) the deliverances of morality take precedence over those of ethics. In other words, the right can be determined without reference to the good, which it also trumps.

But what if our phenomenology shows that what makes moral obligations valid for us is its relation to these supposedly lower level goods? This would show claim (a) to be invalid, and thus render (b) inapplicable. But this is what I think a phenomenological exploration in fact reveals.

The illusion behind claim (a) can arise, because we can devise a criterion for moral obligation which skirts the issue of the good. Kant devised one such, and Habermas' discourse ethic offers us another. But the phenomenological question asks whether this criterion adequately articulates what makes the things it selects over-riding. And in fact it doesn't. Why should I adopt the norm which everyone can accept? Many of us moderns, in the West and also often elsewhere, have to admit that we feel the pull of this demand. But why? Because we have come to accept the outlook of universal human rights, that human beings as such have a dignity, and command respect, and that this over-rides (is more weighty than) differences, say, of creed and culture, even though these may also for us be differences of value. Moreover, this sense of dignity is bound up with notions of bodily integrity, freedom and flourishing, which also help define what to us is a good life.

My point is that you cannot make any sense of the force of this discourse ethic demand if you imagine away this highly substantive background. Habermas sometimes talks as though one could capture the force by unpacking the pragmatic presuppositions of discourse. There is somehow a pragmatic paradox in accepting as a valid norm (hence one which was grounded on the best arguments) one which I can only hold by denying to others the right to enter the discussion and deploy arguments. The claim to validity only makes sense if we are ready to hear and respond to arguments.

Much argument has swirled around this claim. But for the sake of our discussion, let me concede it here. My point is that this doesn't capture the force of the moral claim. So I am committing a pragmatic paradox? Why should this deter me, if something much more important — the classless society, the rule of supermen, the final victory of orthodoxy — calls me?

The discourse ethic idea does capture something important about the human moral predicament. All the alternatives to universalism accept some circle of interlocutors who have to be reasoned with, such that a failure to convince them, or worse, a strategy of simply manipulating them would undermine whatever conclusion emerged in such circumstances. But this circle

**Taylor's Response****87**

may be restricted: it would exclude bourgeois class enemies, or encompass only supermen. Or alternatively, for certain proponents of animal rights, the demand of acceptability to all those affected is broadened to include sentient beings, in spite of their inability to engage in arguments. What must arbitrate here is certain substantive moral insights, concerning human good and mutual commitment.

Once the watertight moral/ethical distinction breaks down, important conclusions follow for the other two areas which DeSouza has outlined in his paper, which are fairly obvious, although I haven't the space to go into them here. I am grateful to DeSouza for allowing me to clarify these points a little more.