COMMUNICATIVE ETHICS:
Developing a Practical Procedure of Discourse

by

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A thesis submitted in conformity with the requirements for the degree of Master of Arts
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Ontario Institute for Studies in Education of the University of Toronto

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Abstract

Jurgen Habermas presents a theory of discourse ethics which is a conflict resolution theory based on a process of moral argumentation. To move discourse ethics beyond a purely theoretical venue, Habermas introduces Lawrence Kohlberg’s cognitive model of moral development. In turn, Seyla Benhabib questions Habermas’ version of discourse ethics by examining the theory and model which she sees to be grounded on a rationalist methodology that is shared by both Habermas and Kohlberg. Using Benhabib’s insights, I reexamine Kohlberg’s idea of the moral domain and argue that Kohlberg actually supports Benhabib’s analysis, and can even be seen to expand it. As a result, we are left with a solid theory of discourse ethics, whereby both Kohlberg and Benhabib can be seen to contribute to Habermas’ account. While they maintain the foundations of Habermas’ discourse ethics theory, they reformulate the moral domain to accommodate a practical and viable account of moral decision making.
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Thesis Overview

Jurgen Habermas offers a theory of discourse ethics as a persuasive form of moral decision making based on presupposed rules of moral argumentation. Within his version of discourse ethics, Habermas presents Lawrence Kohlberg's model of moral development which supports Habermas' claims of cognitive moral thought by means of an empirically founded study of moral cognition. With this, he expands his theory towards the possibility of practical application. We will then look at some concerns regarding the soundness of Habermas' practical turn, with the goal of suggesting a stronger version of discourse ethics in regards to its practical applications and an interpretation of Kohlberg's contributions to discourse ethics.

To explore these issues I will first give a basic explication of Habermas' theory. I will then look at how Habermas uses his ideas of language to reflect upon the modern world, which moves the theory beyond a solely theoretical understanding of communicative language use. From there, we will move further into the practical turn of discourse ethics, where Habermas introduces Kohlberg's model of moral development. At this point, the essential ideas of Habermas' discourse ethics will have been presented. As a critique of Habermas' theory, I turn to Seyla Benhabib who questions Habermas and Kohlberg's rationalist methodology. Benhabib argues that the moral domain as an arena for the procedure of moral discourse is unacceptable if its context only admits moral issues which are separated from ideas of the good life or concrete issues. Taking her argument further, I show that, though this is a valid criticism of Habermas, Kohlberg does not support this rationalist approach. I go further to show that in fact Kohlberg gives us an elaborate description of the moral domain that extends Benhabib's vision of an open arena for moral debate. In the end, we are left with a theoretically and practically sound theory of discourse ethics by means of the contributions of all three theorists.
PART I

DISCOURSE ETHICS:

Why Language?: Understanding

For Habermas, a moral theory must recognize the obligatory relationship between each individual and his or her community. If we understand moral theory as the attempt to discern the social dependency we have on each other to maintain ourselves and live within communities, especially to clarify and resolve problems when there is a breakdown in these moral relationships, then it is necessary to focus on the relationships between individuals and the individual with his or her community. This means first acknowledging that the individual and society are in direct and necessary relation to each other and that "they form and maintain themselves together." The individual self is seen to develop in relation to the recognition and reflection of her or his self from the response of others, i.e, identity formation. This does not mean that the individual cannot think for her or his self, but that recognition and acceptance of our ideas, and even the genesis of such ideas, comes from the participation within a community of people. We, as infants, develop in the presence of and in relationships with others, and in this venue, the development of our ideas continues throughout our lives. At the same time, the individual, as a group member, has the potential to affect, participate and communicate back to the community. In this way, the individual is also seen to participate in his or her own identity formation by being part of, and at the same time as recognized by, the larger community.

This being the case, this interrelated and mutual relationship of the individual with her or his social community cannot be ignored. For moral theory, as a response itself to social issues, this means that this view of social interaction and relationship, between an individual and her or his society, is a pivotal point which explicates a inter-relational process. The acknowledgement of this process distinguishes discourse ethics from traditional liberalism. It questions liberalism on two accounts: first it challenges the maxim based approach which holds that by applying a general maxim, universal moral principles can be generated, and,
following this, second, it doubts the idea that any one person can, on a solitary basis, generate universal moral principles to be applied to the community. In contrast, an inter-relational based theory distinguishes itself by securing, as a necessary step, that moral understanding, or the process by which we hope to understand each other morally, is a interrelated process between people, and not a solitary enterprise. The individual, by virtue of being part of a social world, is a participant, among others, in moral understanding and resolution. This means, for moral theory, that it is crucial to accept that “the constitutive social context of interaction is not something secondary for those whose lives and identity are made possible and sustained by it.”

The traditional liberal philosopher, who alone claims that through a process of reasoning one can present liberal rights for all within the community, is challenged here, since it is not possible to justify the solitary generation of universal rights within a community of others. A justifiable and fair moral theory must recognize and integrate the actual and necessary interrelations between individuals and others: “One who wishes to examine something from the moral point of view must not allow himself to be excluded from the intersubjective context of participants in communication who engage in interpersonal relations and who can understand themselves as addressees of binding norms only in this performative attitude.”

No individual can be excluded or hindered from their potential to understand moral problems and participate in their resolution.

This means that all individuals need to be understood and thus participate in order to recognize and establish their own identities and influence the community. This need becomes exceedingly obvious in modern society where we find that the dependency of the individual on her or his society is exposed due to social fragmentation, and the growing need to “find who you are” becomes increasingly explicit and crucial. It becomes necessary in modernity for conscious participation, since the individual identity can no longer be taken for granted and needs determinate recognition.

Habermas thus turns to communication, language, as the experiential means by which we can recognize, understand and exploit, for the purposes of moral theory, our participation in a community:
In the structurally differentiated lifeworld [the modern world which is fragmented], we merely acknowledge a principle that was in operation from the beginning: to wit, that socialization takes place in the same proportion as individuation, just as, inversely, individuals are constituted socially. With the system of personal pronouns, a relentless pressure toward individuation is built into the use of language oriented toward mutual understanding that is proper to socializing interaction. At the same time, the force of an intersubjectivity pressing toward socialization comes to the fore through the same linguistic medium.5

In other words, this condition of modernity exposes the innate relationship between the individual and his or her community since it has become essential to the individual to find areas and venues of recognition through self expression, i.e., language: "Unless the subject externalizes himself by participating in interpersonal relations through language, he is unable to form that inner center that is his personal identity."6

Therefore, the strength of this turning point of moral theory lies in recognizing language as creating social interrelations. This is because language, a language community, is evidence of the relationship between individuals within a community. Together, within a shared lifeworld, through communication, both individual and community come to an understanding through contributions and validation: "Linguistically and behaviorally competent subjects are constituted as individuals by growing into an intersubjectively shared lifeworld, and the lifeworld of a language community is reproduced in turn through the communicative actions of its members."7 In this way, language is understood as the medium in which this relationship is worked through and realized. Language, then, epitomizes this understanding between individual and community since, as we will see, the goal of language is to make evident, express and maintain this interrelatedness.

Understanding the interrelations of individuals and their society, what participation in the language community means, and what implicit mechanisms within language must be understood in order to understand and ensure these relationships are the challenges facing an ethics built on the recognition of mutual
relations and participation within a community. We can begin constructing a moral theory by turning to communication, since communication exemplifies and explicates our social-individual nature. The intention of discourse ethics then is to "[ground] moral norms in communication."  

**Communicative Action**

First we need to establish the basis of language aimed at communication in order to understand how to use discourse as a theory for ethics. Habermas explains: "I have called the type of interaction in which all participants harmonize their individual plans of action with one another...without reservation 'communicative action'."  

Communicative action reflects the pursuit by participants in discourse, hearer and speaker, to come together in an effort to understand each other through language. Habermas wants to focus on this harmonizing action as a means by which individuals can come to some form of agreement over moral issues and conflicts. To start, we must briefly look at the foundations of language use intended for understanding, i.e., communicative action.

Habermas puts forth a theory of language which shows that meaning is derived from speech acts themselves. In other words, when a speech act is uttered it has meaning on its own, i.e., it is self-sufficient. Self-sufficiency of a speech act means that the speech act stands on its own. Thus, meaning is directly related to what is said. This entails a specific relationship between the speaker and hearer by way of the speech act. In order to be understood, the speaker speaks in view of the meaning contained in the speech act itself: "The self-sufficiency of [this] speech act is to be understood in the sense that the communicative intent of the speaker and the... aim [to be understood by means of the speech act] he is pursuing follow from the manifest meaning of what is said." Therefore, for the speaker, meaning is conveyed by choosing a speech act. The speaker chooses words or sentences for the meaning, and thus for what, he or she hopes, the sentence will mean to the hearer. When a speaker utters a speech act to be understood in this way, she or he is acting with communicative intent: "communicative intent does not go beyond wanting the hearer to understand the manifest content of the speech act." When a speaker
chooses a speech act with communicative intent, that speech act is chosen for the meaning that it holds only, and when it is accepted and understood by the hearer it is considered on the basis of the meaning in which the speech act conveys. For the hearer, this means, if I say, for example, “There is a red ball”, the meaning is derived and understood by him or her understanding or accepting the statement for what this statement itself means, and not from the speaker directly. The hearer accepts this statement, or not, based on his or her understanding of it. Thus, if the ball in the world is really blue, the statement “The ball is red” still has meaning of its own, and it is this self-sufficient meaning that the hearer will accept or reject. It is by the way of the speech act itself that the relationship between people manifests in that the speaker and the hearer come together in the form of a mutual understanding.

In contrast to communicative intent, speakers can have other intents in uttering a speech act. Habermas introduces the distinction between communicative intent and strategic intent which shows that speech acts can be utilized in different ways and for different purposes.

In the case of strategic intent, the aim is reduced to a teleological action, and thus the speech act is utilized for the intention of the speaker alone. Here, meaning is not directly or primarily related to what is said, but rather to the specific goal of the speaker. The speaker is only concerned with the effect on the hearer. A strategic aim might depend on understanding in that the speech act still must be understood by the hearer and the speech act still has a meaning of its own. Yet, the speech act is utilized, or manipulated, as a means to accomplish a strategic goal set out by the speaker: strategic results “remain external to the meaning of what is said.”13 The strategic aim lies in the effect on the hearer and not on the mutual understanding of the speech act. “These effects ensue whenever a speaker acts with an orientation to success and thereby instrumentalizes speech acts for purposes that are only contingently related to the meaning of what is said.”14 Strategic actions are only concerned with the hearer responding the way the speaker wants, and they do not depend on ensuring that the conditions within understanding for communicative action are met. Strategic success lies primarily in the intention of the speaker, which is not known to the hearer, and thus, the results “go beyond the meaning of what is
said and thus beyond what an addressee could directly understand.\textsuperscript{15}

For communicative action, the intention of the speaker can be understood as goal-based in that one's purpose is to be understood, but understanding itself relies on the conditions that make understanding possible and not on the result itself. The result of the speaker "depends on rationally motivated approval of the substance of an utterance."\textsuperscript{16} Since communicative acts are caught up in the meaning of speech acts and their being understood, then what is necessary for understanding, e.g., choosing the speech act for its meaning and the free and not coerced acceptance (or not) by the hearer, is as much the focus as the mutual understanding itself. Unlike teleological intentions,

Reaching understanding is considered to be a process of reaching agreement among speaking and acting subjects....A communicatively achieved agreement, or one that is mutually presupposed in communicative action, is propositionally differentiated. Owing to this linguistic structure, it cannot be merely induced through outside influence; it has to be accepted or presupposed as valid by the participants. To this extent it can be distinguished from merely de facto accord.\textsuperscript{17}

Success is based around the mutual understanding between speaker and hearer, i.e., "a communicatively achieved agreement."\textsuperscript{18} A communicative aim is to establish "between speaker and hearer an interpersonal relation that is effective for coordination, that orders scopes of action and sequences of interaction, and that opens up to the hearer possible points of connection by way of general alternatives for action."\textsuperscript{19} This coordination comes from the position offered by the speaker to the hearer, i.e., communicative intent, to grasp the meaning of what is said, to take a "yes" or "no" position, and then, to direct his or her action according to conventionally fixed obligations.

With his 'yes' the speaker accepts a speech-act offer and grounds an agreement; this agreement concerns the \textit{content of the utterance}, on the one hand, and, on the other hand, certain \textit{guarantees immanent to speech acts} and certain \textit{obligations relevant to the sequel of interaction}....The \textit{pragmatic level of agreement} that is effective for
coordination connects the *semantic* level of understanding meaning with the *empirical* level of developing further - in a manner dependent on the context - the accord [direct action] relevant to the sequel of interaction.20

This means that the intention, meaning and agreement are harmonized. Thus, acceptability on the part of the hearer amounts to an "*intersubjective recognition* of a linguistic claim."21 In addition, "a hearer understands the meaning of an utterance when...he knows those *essential conditions* under which he could be motivated by a speaker to take an affirmative position."22

Communicative action as a theory of language is the explicit recognition of the specific language use of the process of mutual understanding - the intention by the speaker, the point of meaning offered by the speech act, and the uncoerced acceptance by the hearer. In other words, it is what people already do when they try to endeavour to come to an understanding with each other. Habermas' discourse ethics explores and utilizes communicative action in order to create a procedure for conflict resolution and moral understanding. Thus, it is necessary to look further at communicative action so that we can see how a solid foundation has been built on exposing the process of understanding leading to moral understanding.

To summarize, we have established that with communicative intent a speaker chooses a speech act solely in order for its meaning to be accepted by a hearer. Our next step is to look at what motivates the hearer to take a yes or no position and what conditions are necessary for the hearer to accept a speech act. In order to address this we must identify the essential quality behind speech acts that make them acceptable. For a speech act to be accepted there must be a mutual agreement between hearer and speaker as to the validity of that statement. It must possess some redeemable quality that can be recognized and understood by both. Therefore, we will now turn to what the validity of statements entails.

**Normative Claims**

For the purposes of discourse ethics, we are concerned with communicative action and the acceptability of speech acts in view of moral claims. In order for
communicative action to be useful as a means to a theory of ethics, we have to establish whether speech acts can be redeemable on a normative level. When we accept a speech act, on the basis of its redeemable quality, we agree on or recognize the validity of that statement. Thus, we need to establish the validity of normative speech acts.

Habermas challenges the long held notion that only speech acts that express things about the world, i.e., truth statements, can be valid. Truth statements are descriptive claims about the objective world. For example, sentences like “The ball is red” is a truth statement because it is descriptive. Habermas contests the notion that only these types of statements are valid, by suggesting that normative statements can be valid as well. Normative statements are claims that have an evaluative quality, such as, “It is wrong to kill.” Habermas asserts that the problem with dismissing the validity of evaluative claims lies in equating the validity of normative statements to descriptive statements. When this is done, we do not recognize or appreciate the validity of normative claims. Normative statements, or moral truths, cannot be understood in the same way as truth statements, or propositional truths. Supporting Toulmin’s argument against equating normative statements with truth statements, Habermas explains that “right” or “good” is not a property, like the properties that follow truth statements, like “red” or “hard”. He quotes Toulmin:

“‘Rightness’ is not a property; and when I asked two people which course of action was the right one I was not asking them about a property - what I wanted to know was whether there was any reason for choosing one course of action rather than another.... All that two people need (and all that they have) to contradict one another about in the case of ethical predicates are the reasons for doing this rather than that or the other.”

This being the case, “normative statements cannot be verified or falsified; that is, they cannot be tested in the same way as descriptive statements.” But they can be validated. Habermas relies on the intuitive knowledge we have about normative validity in order to continue the search into understanding the validity of
normative statements. When we utter a normative statement we feel strongly, in our assumption or belief, that it is valid. We can go so far as to say that it is part of our identity formation. These assumptions and feelings about the validity of our normative claims already assume a reason for our beliefs, and thus motivates us to defend in some way the validity of these claims. Thus, Habermas focuses on the way in which we communicatively defend or justify our normative statements. He is interested in how we convince others of our beliefs, as well as what are the criteria for holding our own beliefs; what constitutes a belief and moral obligation. In response, he concludes that, as mentioned above, we defend our beliefs by giving reasons for them. This justification through reasoning is the process of validation of our beliefs, and the conviction held prior to uttering our normative statements, in that we utter a normative statement with the understanding that we can support the statement with reasons. For example, for a descriptive statement, e.g., “The ball is red”, I need to show proof in the existing world to validate this statement. Once I can show it, or, on some universal experimental level, prove it, it has validity. On the other hand, for normative statements, e.g., “It is wrong to kill”, validity is determined through the process of reasoning, justification. If someone does not agree with my claim I must be able to redeem it through reasons leading to the validation of the claim. Therefore, though justification through argumentation of normative statements is different in kind from the validation of truth claims, the reasoning process is equally apparent and sufficient.

Three Validity Claims

By revealing the validity of normative claims, Habermas shows that we can come to an understanding over the validity of statements other than just descriptive claims. He goes on to explain that valid statements are essentially part of our everyday language when we attempt to come to an understanding about our world. Thus, valid statements about our world are not limited to one type of experience, i.e., descriptive. We will now look at what experiences in our world speech acts represent when we use them for communicative action.

When we use language for communication, we attempt to establish an
understanding with other participants by means of speech acts. We use language in order to reach an understanding - we attempt to share the world that we perceive - that is, to identify, express and confirm our sense of the world with others. Understanding establishes a relationship between speaker and hearer of the reality, beliefs and experiences of the world. Speech acts, then, attempt to bring together an understanding between participants' conceptions of the world. These conceptions rely on and refer to points of reference in which an individual conceptualizes his or her self in the world. Therefore,

As the medium for achieving understanding, speech acts serve: (a) to establish and renew interpersonal relations, whereby the speaker takes up a relation to something in the world of legitimate (social) orders; (b) to represent (or presuppose) states and events, whereby the speaker takes up a relation to something in the world of existing states of affairs; (c) to manifest experiences - that is, to represent oneself - whereby the speaker takes up a relation to something in the subjective world to which he has privileged access.27

It is in these ways that an individual expresses his or her self, and tries to share and establish an understanding in the communal world through language. Thus, we make claims about the world which relate to the modes in which we identify with the world. The claims we make about the world are threefold: 1) normative, which is an appeal to rightness, 2) constative, which is represented by truth claims, and 3) personal, which refers to truthfulness or sincerity. As seen above, evaluative claims or claims to rightness express the evaluative normative world; truth claims represent and express the objective world; and claims which appeal to truthfulness or sincerity reflect individuals' personal experiences.

Habermas argues that we actually make three claims to validity, not one, and that we appeal to and utilize these claims when we attempt to reach an agreement with others. We do not only assume propositional truths as valid. Normative issues, as we have seen, in the form of rightness, and personal experiences, in the form of sincerity, are also considered valid and their validity can be argued.28 We use these three modes of expression because they represent the issues about which
we want to come to an understanding - they represent what we find as valid in this world. Therefore, because of their necessary nature and use when it comes to expressing what we see as valid in this world, Habermas stresses that these modes of speech acts are intrinsic to the purpose of reaching an agreement. In other words, when we participate in a discussion directed towards understanding, these modes of speech acts and their claims to validity are presupposed in the language we use.

This leads us to two points about the three claims to validity: 1) actually all three appeals to validity are present with every speech act, and 2) we can and often do emphasize or try to come to an understanding over one type of claim more than the others.

The first point recognizes that with every speech act all three claims to validity are present. This simply means that, for example, evaluative claims rely in part on sharing propositional truths as well as appealing to the sincerity of the claim. For instance, if I make an assertion such as "It is wrong to kill", behind this normative claim lies assumptions about both truth and sincerity claims. The strength of my claim lies on my conviction that I am sincere in stating this claim. As well, there are certain truth claims, e.g., people kill, which give sense to the claim to begin with. Similarly, articulations of sincerity involve expressions that rely on both the objective and normative world. Part of the sincerity of expressions amounts to referring to truth claims and evaluative claims in ways that relay and support the truthfulness of our appeals. Further, truth claims are embedded in the social world and therefore cannot be separated from evaluative claims. As well, truth claims rely on the interrelations and sincerity between people. Thus, when there is an understanding reached between participants, all three components have been satisfied - the truth, the rightness, and the sincerity of the speech act.

Consequently, a hearer can reject or question any claim on the basis of any of the three validities - the truth, the rightness, or the truthfulness of the speech act.

Regarding the second point, when focusing on the validity of a speech act, we see that there are conditions that are necessarily accepted when we use a speech act directed at understanding. These conditions depend on the type of validity claim that is represented by the form of the speech act. For example, when we use a
normative claim, we implicitly accept that we will be able to give reasons for our claim. As well, when we use truth claims, we, for example, redeem these claims by empirical standards. And, for expressive truths we may need to redeem these claims through the honesty and trustworthiness we have or will need to establish, as well as the corresponding actions to our claim. Thus any valid speech act assumes the conditions in which these claims can be redeemed.

With this in mind, the second point holds that the speaker chooses a specific mode of speech act which will represent the type of validity, i.e., truth, rightness or sincerity, that the speaker wants to express. The hearer understands what validity claim is being made by understanding the speech act and the form in which is taken. For example, a speaker may choose a speech act in the form of an imperative in order to express a normative claim. By means of the imperative both hearer and speaker can come to an agreement over the validity of the normative claim. But the validity claim is expressed by means of the speech act itself, and the conditions which make the imperative a validity claim is understood by both speaker and hearer - the speaker in choosing it, and the hearer by understanding and either accepting or rejecting it. In this way, Habermas goes on to explain, that speakers emphasize and appeal to one claim to validity to be understood, i.e., constative (truth claim), expressive (sincerity), and regulative (normative). “These basic modes appear in all the more purity, the more clearly reaching understanding is oriented to only one dominant validity claim.”31 It also follows that the more we are aware or conscious of what we want to be understood, i.e., truth, or rightness, or truthfulness, the better we are at choosing our speech acts accordingly and the more specific our speech acts will become.

**Conclusion**

As we have seen, normative claims are validated and redeemed through reasoning. We have also established that in order to be understood speakers emphasize one claim to validity over the others. Thus, if we consciously set out to resolve normative conflicts then we can emphasize or focus on the reasoning process within discourse in order to deal with particularly normative claims. That
means differentiating and extracting discourse aimed at resolving normative issues from discourse that is either aimed at expressive or constative understanding. In this way, we can concentrate on discourse for argumentation, which is simply "a reflective form of communicative action and the structures of action oriented toward reaching understanding." For normative claims argumentation means discourse aimed at resolving moral conflicts using strictly a process of reasoning.

Thus, discourse ethics is a conflict resolution theory based within the process of argumentation. It deals with moral dilemmas or conflicts in which people have not come to an understanding. It offers a process whereby, through reasoning, participants can come to some form of moral understanding. It does this, not by generating principles, but by offering a process for discussing moral issues intended for mutual understanding.

The Need for Real Discourse

Of course, this leads us to consider one concern. These conditions may lead one into thinking that the conditions for speech acts can be deductively derived, simply by abstracting the conditions and applying them. This runs us into the risk of believing that we do not need real dialogue or argumentation in order to come to ethical agreement or to manufacture ethical propositions. This would defeat the purpose of trying to formulate a procedure for ethics which does not rely on individually manufactured maxims which dictate one's own ideas of moral principles. As well, it would be an ironical twist to the claim of an ethics based in discourse and understanding if we were to assume that discourse ethics is a procedure which can function monologically.

Habermas maintains that the theory of discourse ethics can only be successful, in a practical sense, through argumentation. He states: "the justification of norms and commands requires that a real discourse be carried out and thus cannot occur in a strictly monological form, i.e., in the form of a hypothetical process of argumentation occurring in the individual mind." The structure of discourse itself cannot yield a resolution. The process is just a framework, but resolutions, understanding, must be worked out through actual argumentation:
It is not even enough for each individual to reflect in this way and then to register his vote. What is needed is a 'real' process of argumentation in which the individuals concerned cooperate. Only an intersubjective process of reaching understanding can produce an agreement that is reflexive in nature; only it can give the participants the knowledge that they have collectively become convinced of something.\(^{34}\)

Therefore, our goal is not to create a procedure which, when applied, can give us answers to moral conflicts, e.g., a principle generating theory. What we are in search of is a process whereby actual individuals can come to some understanding together. This involves uncovering pre-reflective principles or rules of discourse aimed at understanding in order to consciously establish this process.

**U and D**

In order for there to be a process of argumentation, one which is explicitly known and is practically applicable, rules for discourse intended for understanding need to be established. Habermas introduces R. Alexy's presuppositions of argumentation, which I will only briefly explain.\(^{35}\) Habermas maintains that Alexy's presuppositions of argumentation are presupposed rules of discourse which we necessarily and intuitively accept when engaging in discourse.

Alexy presents three levels of presuppositions for argumentation: produce, procedural, and process. The first level, produce (production), is a minimal logic of argumentation. (See Appendix 1). The second level is procedural: "presuppositions...necessary for a search for truth organized in the form of a competition. Examples include recognition of the accountability and truthfulness of all participants...[as well as] general rules of jurisdiction and relevance that regulate themes for discussion, contributions to the argument, etc."\(^{36}\) These rules refer to the existence or creation of a situation whereby argumentation may proceed. The participant must want to or be willing to come to an understanding, and there must be institutional or political or social climates which allow for discussion to proceed.

Lastly, is the level of process; principles which adhere to the "cooperative search for truth."\(^{37}\) It is this set of principles which Habermas is concerned with for
the procedure of argumentation. These principles are:

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

(3.2) a. Everyone is allowed to question any assertion whatever.

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

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

(3.3) No speaker may be prevented, by internal or external coercion, from exercising his rights as laid down in (3.1) and (3.2).38

The rules of level three amount to the freedom to participate; no one is or should feel restricted from free and open participation in expressing oneself, no one should in anyway be coerced, and, in addition, all who are affected by what is up for debate and its consequences cannot be excluded from the decision making process.

Habermas focuses on the process level because it reflects the validation and the reasoning process behind normative claims. Thus, the process level describes the pre-reflective rules of discourse when individuals take part in normative argumentation. In other words, these rules are implied and necessary for argumentation.

Once the rules for normative argumentation have been established, Habermas goes on to explain that in order to link these rules to a practical theory of ethics a bridging principle is needed. For discourse ethics the bridging principle needs to represent the rules which are established from communicative action, since: "discourse rules are merely the form in which we present the implicitness [sic] adopted and intuitively known pragmatic presuppositions of a special type of speech, presuppositions that are adopted implicitly and known intuitively."39 They do not amount to a foundation for a theory of ethics. Therefore, Habermas introduces the universalization principle (U), as the bridging principle: "a contested norm cannot meet with the consent of the participants in a practical discourse unless (U) holds, that is,
Unless all affected can freely accept the consequences and the side effects that the general observance of a controversial norm can be expected to have for the satisfaction of the interests of each individual."\(^4^0\)

Habermas maintains that: "First, (U) regulates only argumentation among a plurality of participants; second, it suggests the perspective of real-life argumentation, in which all affected are admitted as participants."\(^4^1\) It also follows that understanding requires actual participation, since it would be counter to understanding to not have those who would be affected by a result admitted into the discussion.

(U), then, is fundamentally the criterion for normative understanding, adopted from the rules of argumentation:

If every person entering a process of argumentation must, among other things, make presuppositions whose content can be expressed in rules (3.1) to (3.3) and if we understand what it means to discuss hypothetically whether norms of action ought to be adopted, then everyone who seriously tries to discursively redeem normative claims to validity intuitively accepts procedural conditions that amount to implicitly acknowledging (U). It follows from the aforementioned rules of discourse that a contested norm cannot meet with the consent of the participants in a practical discourse unless (U) holds.\(^4^2\)

(U) is not only a composition of argumentation rules 3.1-3.3, but must also be understood as a universalization principle. This means that from the rules of discourse Habermas has constructed a principle for moral theory which is universal. It is a universal principle stemming from the fact that for communicative action the requirements of (U) must be fulfilled. Therefore, by its very nature, (U) is simply the explicit representation of that which is necessary for understanding and not a principle which is generated.

The universalization principle, (U), leads us to the principle of discourse, (D). This principle maintains that: "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."\(^{43}\) (U) is formulated into a principle for a theory of discourse, expressed by (D). It is this principle that can be applied as a general principle or guide to argumentation. (U) confirms the existence of a universal principle, whereas (D) expresses the application of the principle in a real discourse. We can question the (U) principle as a universal principle, e.g., a Kantian universal principle, yet argue for (D) on a pragmatic level. As Habermas explains: "The only moral principle here is the universalization principle (U), which is conceived as a rule of argumentation and is part of the logic of practical discourses. [On the other hand, (D)]...stipulates the basic idea of a moral theory but does not form part of a logic of argumentation."\(^{44}\) Therefore, "(D) is the assertion that the philosopher as moral theorist ultimately seeks to justify."\(^{45}\) (D) represents the practical form of the theory, that which must be fulfilled. (D) comes from (U), since (U) is the way in which we can come to a practical theory, from its universal quality and from its representation of or derivation from pre-prepositional transcendental rules of discourse.\(^{46}\)

**Justification of the Rules of Argumentation**

Habermas relies on the theory of performative contradiction in order to justify the principles of discourse. This theory maintains that a necessary rule cannot be argued against without resulting in an actual performative contradiction towards the rule one is arguing against. Quoting Apel, Habermas holds:

> If...a presupposition cannot be challenged in argumentation without actual performative self-contradiction, and if, on the other hand, it cannot be deductively grounded without formal-logical petitio principii, then it belongs to those transcendental-pragmatic presuppositions of argumentation that one must always (already) have accepted, if the language game of argumentation is to be meaningful.\(^{47}\)

The theory of performative contradiction can be applied at the level of justifying the principle of discourse, the process of argumentation, as well as at the actual speech act and rule level. At the argumentation level, Habermas argues that even the
sceptic who wants to reject a theory of argumentation relies on the process of argumentation in order to express his or her point or to discuss the issues. This results in a performative contradiction, since the person is using the process in order to try to discredit it. The contradiction can be seen on two levels - first, that the sceptic relies on a process of argumentation in order to express her or his self. In other words, the sceptic chooses a form of argumentation that is standard in order to convince others of her or his arguments. This form would be different than, perhaps, the form used to have a social conversation with a friend. Thus, the sceptic requires a form of communication required for her or his needs, which is to reach an understanding with or be understood by others. Here the performative contradiction reflects the sceptic trying to repudiate a theory of argumentation which stipulates an underlying process for argumentation. That she or he might argue that a theory based on the process argumentation is invalid would be a performative contradiction since she or he is trying to convince others using the same process.

Secondly, following the first point, but more specifically, the sceptic falls into contradiction if she or he tries to repudiate Habermas' theory based on the rules of argumentation. Here we are focusing on the rules of discourse offered by Alexy as the rules of normative argumentation. The rules of process can be justified if we cannot repudiate them without resulting in a performative contradiction. I will not go through all the rules and how their repudiation results in performative contradiction, but an example of this would be that one could not successfully come to an understanding if individuals who are affected by the results and have important contributions to make to the argument are refused the right to take part in the discussion. Habermas also points out that we are led to a semantic contradiction on the level of speech acts if we try to repudiate the rules of argumentation. He explains that it does not make sense to say we have "convinced" others if we have excluded people or if we say we have "convinced" a hearer using lies. Here, the speech acts themselves will turn against the sceptic and expose a contradiction.

"Demonstrating the existence of performative contradictions helps to identify
the rules necessary for any argumentation game to work; if one is to argue at all, there are no substitutes. The fact that there are no alternatives to these rules of argumentation is what is being proved; the rules themselves are not being justified.º0

Summary
When language is intended for understanding, speech acts are used for their meaning alone, and understanding is reached between speaker and hearer by mutual agreement over the acceptance of the speech act. This acceptance is the recognition of the validity of a speech act. Habermas has established the validity of normative claims as being the actual or possible redemption of the claim by a procedural reasoning process. Our aim was to expose a structure within language that is intuitively present and rationally structured when argumentation is intended for understanding. Thus, we needed to establish the process of reasoning aimed at understanding between speaker and hearer. This was done by exposing the presuppositions of argumentation. These presuppositions are the rules of discourse set out by Alexy, and which are summarized in a universal principle, (U). (D) represents the rules of discourse as they apply to actual argumentation and the theory of discourse itself. Justification for these rules are established by performative contradiction, showing that these rules are always necessarily used in argumentation. From this analysis of communicative action and establishment of rules of argumentation a structured process of moral argumentation has been exposed for the purpose of establishing a moral theory of communicative action.

A theory of ethics based in language has the advantage of appealing to people’s intuitive or preconditional sense of moral reasoning. This is because, on the level of the everyday, individuals engage in moral understanding. For example, if I simply utter an imperative for the purpose of understanding, its acceptance either recognizes or assumes the redemption of my imperative by offering reasons. The rules of argumentation are thus reflective principles of communication aimed at understanding which we necessarily use in everyday language. Discourse ethics reflects upon preconceived conditions or rules, namely a found structure, which is
abstracted and used beyond everyday use. Since these are necessarily structured rules, once abstracted they are recognized as universal and thus become a foundation for a conceivable theory of ethics.

Now we will look at communicative action in view of both the everyday and the level of structured language which is separated from everyday language use. With this in mind, Habermas reveals discourse ethics as an adequate theory to reflect upon the tensions of the modern world and to be applied as a conflict resolution theory.
HABERMAS' CRITIQUE OF MODERNITY:
The Critique of Reason

First, it is necessary to recognize that everyday language is not capable of developing and sustaining a complex level of communication around one area of thought. We can imagine that language is limited, and can get saturated, since everyday language itself must deal with many areas of thought or demands in order to respond to the complexity of everyday life. Thus, the degree in which it is able to respond intently to areas of thought or life is limited: "Ordinary language is a risky mechanism for coordinating action; it is also expensive, immobile, and restricted in what it can accomplish."51

The language claims, constative, normative, and expressive, established earlier, each have a valid nature which can be abstracted for the purposes of specialized language spheres. These valid natures express a rationality underlying speech acts. In the modern world, specialized language spheres derive from abstracting and making explicit use of the rationality within the three areas of language claims. Habermas explains that: "Considered as a resource, the lifeworld is divided in accord with the 'given' components of speech acts...[understood here as cognitive, normative and expressive validity claims, respectively] into culture, society, and person."52 Therefore, we can recognize specialized areas of knowledge representing these components in the forms of science and philosophy, law and morality, and art and art criticism, which are derived from the rationality within cognitive, normative, and expressive language claims. These areas of speech acts have been the source for specialized areas of knowledge, derived and separated from the everyday world. In addition, because value spheres are abstracted from everyday language, they are seen as being in direct relation with the everyday. In this way, rationalization can be found in the everyday, and thus, rationalization and the knowledge spheres should not be thought of as above and beyond the lifeworld.

The functional relationship between the lifeworld and the abstracted specialized areas of knowledge is circular. Content from the everyday world is applied to the knowledge spheres. At this level knowledge, content, is considered, utilized, and decided over by means of a process unique to that sphere. Decisions or
ideas are then applied back into the lifeworld, which in turn affirms or reaffirms the lifeworld. The practical everyday world, the lifeworld, is validated by decisions or agreements reached through communicative action. These new or reaffirmed ideas should add to the social structure. There should exist a mutual relationship, first, in that content is supplied from the everyday world, secondly that both spheres share the intuitive validity presuppositions of everyday communication, and third, content rationalized by value spheres is offered back to the lifeworld.

This circular relationship should not be thought of as a synthesis of communicative action with the lifeworld. In fact, the better this circular system performs, the deeper the delineation between the lifeworld, the everyday world, and the level of specialized knowledge spheres should appear: "...we should not think of this circular process on the model of self-generation, as a production of its own products....The difference between lifeworld and communicative action is not taken back in any unity; it is even deepened...."\textsuperscript{53} For example, in the case of normative argumentation, content would be abstracted from the everyday, the form of which is an interwoven mesh of the interpersonal and personal social world. What is abstracted becomes disassociated from those spheres to which it is not directly related. Content, perhaps in the form of conflicts, is applied to a more efficient process of argumentation which only responds to those issues that can be solved through reasoning. This process is a specialized knowledge sphere directed to one area of validity. Thus, the lines drawn between the lifeworld and the specialized knowledge spheres actually become clearer and more defined. Simply, the more the conflicts are separated from non-relevant lifeworld influences, which distort the process of argumentation, the more efficient the process of argumentation, and thus, the easier it is to reach understanding.

Since there is a difference between communicative action and the lifeworld, the reintroduction of the decisions into the lifeworld is dependent on the interpretation of the decisions by the individuals who will apply them to their own lifeworld needs. This reintroduction is itself its own process, one of application, apart from the process of communicative action.\textsuperscript{54} Thus, this reintroduction process itself will in turn be very sophisticated.
At times, it appears as if these specialized areas themselves are problematic when it seems like they are involved in affecting the world negatively; for example, science or technology encroaching on everyday life, leaving individuals that are not part of the scientific community without the resources to respond to new technology, upgrading demands, etc. But, Habermas insists, areas of specialized knowledge, which arise out of the everyday, are not problematic in themselves. For example, the theory of discourse has been possible by abstracting from the normative validity sphere. It is the reintroduction into the lifeworld or the interaction with the world which can cause problems not only for the lifeworld but for the quality of the knowledge system itself. It can result, on the one hand, in a devaluing of the specialized knowledge, or on the other hand, in a violation of "the integrity of lifeworld contexts." This depends on the relationship that the knowledge sphere has with the lifeworld and the other spheres of knowledge:

The unmediated transposition of specialized knowledge into the private and public spheres of the everyday world can endanger the autonomy and independent logics of the knowledge systems, on the one hand, and it can violate the integrity of lifeworld contexts, on the other. A knowledge specialized in only one validity claim, which, without sticking to its specific context, bounces across the whole spectrum of validity, unsettles the equilibrium of the lifeworld's communicative infrastructure.

Habermas demonstrates that this can be seen in our own time: "expressivist countercultures, technocratically carried out reforms, or fundamentalist movements can serve as drastic examples." Therefore, problems between the two spheres stems from the relationship or introduction of new knowledge into the world, as well as not recognizing and respecting the limits of specialized knowledge.

Within the circular process between the lifeworld and communicative action, the value spheres of the three areas of culture, society and person, found in the world, become confirmed and reconfirmed by the subjection of lifeworld content to specialized forms of validation, which then is introduced back into the lifeworld. This process leading to the introduction of new specialized knowledge results in a rationalization of the lifeworld. For example, on the social or normative level, once
conflicts are resolved, the resolutions are introduced back into the existing sphere, for example as laws. On the scientific level, new ways to understand the objective world are accepted and integrated with the traditional ideas and methodologies. On the level of the personal, individual identities are exposed and accepted into the interrelated group. In this way, Habermas introduces a new understanding of reason: "Rationalization of the lifeworld means differentiation and condensation at once - a thickening of the floating web of intersubjective threads that simultaneously holds together the ever more sharply differentiated components of culture, society, and person." Thus, there arises a stronger bond within the differentiated structures and within the lifeworld, since the rationalization of the lifeworld admits a legitimation of differentiated structures and of what proceeds within them.

This rationalization of the lifeworld means that "there arise structural pressures toward the critical dissolution of guaranteed knowledge, the establishment of generalized values and norms, and self-directed individuation...." One problem which arises in view of this process is the reluctance of people who have traditional ideas to consider new ones or to put tradition up for reflection and validation. Habermas suggests that this reluctance to reflect on tradition results from a sense of threat that traditional communal and social networks will weaken or be destroyed by the introduction of new ideas or by the reflection on the old. Yet, he maintains that in fact a conscious reflecting society that is willing to put up for debate traditional foundations and ties and accept new decisions by means of a process of open and free discussion and acceptance will create stronger social ties. All forms of life will be consciously recognized in the society, forming a new shape of society that is inclusive. In addition, if we can question even our traditional ideals, then one possibility is that these ideals will be reaffirmed. By reaffirming them, they have new integrity and meaning for each generation of people. Finding them valid means that something new can take their place which makes sense for the society as a whole. Thus, discourse ethics proposes a conscious and ongoing process of questioning and validation of moral principles and claims, including traditional ones, in order to create stronger social and
interrelational ties. This reflects the rationality of our everyday lives, i.e., *rationality of the lifeworld.*

The procedures of discursive will formation established in the structurally differentiated lifeworld are set up to secure the social bond of all with all precisely through equal consideration of the interests of each individual. This means that as a participant in discourses, the individual, with his irreplaceable yes or no, is only fully on his own under the presupposition that he remains bound to a universal community by way of a cooperative quest for truth.

This is guaranteed by the principles of discourse ethics, (U) and (D), which maintain preconditional values of equality, reciprocity, and inclusion in the form of necessary discursive interaction.

**A Paradox of Communicative Action**

In order to see how communicative ethics fits with modernity as a representation of modern value structures, Habermas critiques modernity using communicative action.

Specialized language can easily, out of necessity and for the sake of development, detach from the language system of the lifeworld into special and unique language systems. But, since these systems must be disconnected from the lifeworld, everyday experiences, they can inadvertently establish a system of action that is inappropriate to the lifeworld, and thus no responsibility to it. In this case, these systems do not subject themselves to, and thus are not held accountable to, the legitimation processes that introduce the systems back into the lifeworld responsibly and considerately. This can also happen within the lifeworld itself. Specialized systems may be formed in order to deal with certain areas of life. These systems in turn can easily break off from the interrelationship between the three areas of validity, cognitive, social, or personal, while being used to respond to the lifeworld. These systems become highly advanced and efficient in their own process. In the end, they are embedded within the lifeworld, and yet, are detached from the intersubjective contributions to and relationships with the other areas of the
lifeworld.

What this means is that systems need to be integrated into the world responsibly, but this is not always the case. As Habermas explains:

...the integration can occur by way of an impoverished and standardized language that coordinates functionally specialized activities...without burdening social integration with the expense of risky and uneconomical processes of mutual understanding, and without connecting up with processes of cultural transmission and socialization through the medium of ordinary language.62

In other words, these systems "go beyond the horizon of the lifeworld [and] congeal into the second nature of a norm-free sociality."63 These systems then begin to act and evolve independently of the lifeworld, forming their own order and establishing their own value-system, or at least disconnecting from the value-system within the lifeworld. Since these systems are severed from the lifeworld, there is no communication, thus the lifeworld realm may not have the means or the power to influence and direct these systems.

To look at how this is played out in modernity, Habermas cites the example of the monetary system:

Evidently the medium of money satisfies these conditions for a specially encoded steering language. It has branched off from normal language as a special code that is tailored to special situations (of exchange); it conditions decisions for action on the basis of a built-in preference structure (of supply and demand), in a way that is effective for coordination but without having to lay claim to the resources of the lifeworld.64

In the realm of the monetary system, interchange is not found in the form of language, even in an impoverished and standardized form, but rather in the form of money. This way, a relationship exists between the system and the lifeworld, since money is part of the lifeworld, but not one in which communication can flow. In fact, the lifeworld has no direct or decisive way to communicate to the monetary
system.

In order to counter this system, Habermas goes on to explain, the state was created, in the form of an administrative, tax-based system, to respond to the economic system. Yet, although it was formed in order to curb the monetary system, it in turn moulded itself within the structure of the monetary system. Thus, it has become dependent on the monetary system in order to function, i.e., taxation. Thus, though these systems can be seen as independent systems, they in fact are linked to each other. And, like the economic system, the state system too has become detached from the lifeworld.

Such detached systems, i.e., systems which have broken off from the cycle of mutual communication and legitimation, affect the lifeworld, and result in what Habermas refers to as pathological side effects. Simply, what results is a system which enforces itself upon members of the lifeworld who are left with no space or resources to respond to the forces or effects of the systems. Powerlessness, experienced by the individuals, is understood as the lack of control and influence left over by an non-legitimized system that is numb to social reaction. What is left is what the system will allow, and it does not allow for anything to effectively change or damage the system. In the example above regarding the state and the market, the true relationship lies not between the systems and the lifeworld, but rather, between the state and the market: "The one side sees the source of the systemically induced disturbances of everyday life in monetarized labor power; the other, in the bureaucratic crippling of personal initiative. But both sides agree in assigning a merely passive role to the vulnerable domains of lifeworld interaction as against the motors of societal modernization: state and economy." Briefly, the result is a lifeworld which has not given up its normative communicative ideals, but has responded with frustrated demands for justice (e.g., in the form of organized social interest groups), and questions surrounding basic human needs and morals. Thus, groups have been created around the interests of the citizens, whose interests were supposed to have been reflected and considered in the higher level of the state as a collective understanding of the people: "So it is that system imperatives and lifeworld imperatives form new frictional surfaces that spark new conflicts which
cannot be dealt with in the existing compromise structures.⁶⁶ There is left an apparent social frustration in opposition to the state and economy and their effects. The idea of a collective consciousness of the citizens has been given up to subgroups and systems which on a fundamental level do not have interaction with each other.

In response, Habermas suggests opening a line of communication between the state and the lifeworld as the most rational and feasible solution. He explains that: “impulses from the lifeworld must be able to enter into the self-steering of functional systems.”⁶⁷ This would mean giving the lifeworld sufficient power to influence and guide the state and the market. A distribution of power is needed, coupled with “centers of concentrated communication”⁶⁸ which form autonomous groups of communication that have initially sprung from the lifeworld. This does not include particularized groups which respond only to particular life forms and interests. Rather, whether on the level of the state system or on the level of autonomous centers of concentrated communication, discourse in the form of legitimation and understanding cannot lack an interactive, reflective and valid position.

If we are going to resign ourselves to a society based around the system of economics and the state, with the addition of groups representing certain areas of interest and legitimation, there must be maintained interrelationships, i.e., communication, between these sectors. For Habermas, establishing communication between individuals and groups and steering systems is essentially possible: “even modern, largely decentered societies maintain in their everyday communicative action a virtual center of self-understanding, from which even functionally specified systems of action remain within intuitive reach, as long as they do not outgrow the horizon of the lifeworld.”⁶⁹

Conclusion

For issues of moral understanding and conflict resolution, communicative action presents a process whereby within a specialized sphere of moral rationalization lies the everyday principles of participation and responsibility. These principles which are ultimately derived from everyday language use and
which respond to moral content from the lifeworld can respond effectively and rationally. By means of this process, connections can be made between groups and individuals through the use of the rules of moral argumentation, i.e., participation.

Habermas' solution to the pathologies identified by a critique of modernity lies in creating links of communication between groups and individuals. These groups and individuals must be ready to respond to issues in light of mutual understanding. This leads us to the process of mutual understanding, in which participants, having willingly accepted participation in discussion, adhere to the rules of discourse, as discussed above. This being the case, there needs to be a programme whereby we can learn and develop the procedure which can come as close as possible to ensuring acceptable and responsible argumentation. In other words, we need a moral developmental system which can explore, promote and teach communication. Here, Habermas introduces Kohlberg's theory of development as being congruent with discourse ethics. If this is true, then such a developmental theory can be seen as a model for establishing and creating the means to communication.

In order to see how Kohlberg's theory fits with Habermas' discourse ethics, we must first present Kohlberg's theory of moral development.
KOHLBERG'S THEORY OF MORAL DEVELOPMENT:

Habermas recognizes that, "The discourse theory of ethics, for which I have proposed a program of philosophical justification, is not a self-contained endeavor. Discourse ethics advances universalistic and thus very strong theses, but the status it claims for those theses is relatively weak." It requires an empirical element which can support the thesis: "discourse ethics, like other reconstructive sciences, relies solely on hypothetical reconstruction for which plausible confirmation must be sought." Habermas is in search of confirmation which comes from a developmental model based on empirical research. Yet this model itself must be open to philosophical justification in order to work with the philosophical complexity and analysis of moral theory. In turn, the result of a psychological study of moral development can be used either to support or refute philosophical claims. What makes Kohlberg's model attractive and useful to Habermas is that Kohlberg espouses philosophical and psychological perspectives by grounding the developmental theory on philosophical assumptions and analysis: "The distinctive feature of the developmental-philosophic approach is that a philosophic conception of adequate principles is coordinated with a psychological theory of development and with the fact of development."

Lawrence Kohlberg studied moral development and from his empirical work founded an educational model. He considered empirical data organized from answers given by subjects who responded to a series of hypothetical philosophical moral dilemmas. This series of questions was given to individuals from many different countries and cultures and income levels. Of course, people expressed different answers to the same moral dilemmas. Yet, he witnessed that across cultures and income levels, peoples' answers fundamentally exhibited an identical moral pattern of development. He found that different types of answers could be translated into stages which corresponded, not to the answers themselves, but to the kind of answers given. These stages reflect the form of moral development rather than the content of the actual responses or the "amount of knowledge or accuracy of
It is the type of answer that is given which makes up and determines the stage at which people are. The levels of moral thought that Kohlberg discovered were consistently found to be universally present. Differences, on the other hand, reflected both the stage at which individuals were and the speed in which they moved through the stages, i.e., the rate of development.\textsuperscript{75}

Therefore, Kohlberg produced a "typological scheme describing general stages of moral thought that can be defined independently of the specific content of particular moral decisions or actions."\textsuperscript{76} The stages are separated into three general levels of moral thought, and within each level there are two stages, representing the underlying moral cognitive thought at that level. Kohlberg's model of moral development is as follows\textsuperscript{77}:

**Level A, preconventional level**

*Stage 1, the stage of punishment and obedience*

Content: Right is literal obedience to rules and authority, avoiding punishment, and not doing physical harm.

1. What is right is to avoid breaking rules, to obey for obedience' sake, and to avoid doing physical damage to people and property.
2. The reasons for doing right are avoidance of punishment and the superior power of authorities.

*Stage 2, the stage of individual instrumental purpose and exchange*

1. What is right is following rules when it is to someone’s immediate interest. Right is acting to meet one’s own interests and needs and letting others do the same. Right is also what is fair; that is, what is an equal exchange, a deal, an agreement.
2. The reason for doing right is to serve one’s own needs or interests in a world where one must recognize that other people have their interests, too.
Level B, conventional level

Stage 3, the stage of mutual interpersonal expectations, relationships, and conformity
Content: The right is playing a good (nice) role, being concerned about the other people and their feelings, keeping loyalty and trust with partners, and being motivated to follow rules and expectations.

1. What is right is living up to what is expected by people close to one or what people generally expect of people in one's role as son, sister, friends, and so on. "Being good" is important and means having good motives, showing concern about others. It also means keeping mutual relationships, maintaining trust, loyalty, respect, and gratitude.
2. Reasons for doing right are needing to be good in one's own eyes and those of others, caring for others, and because if one puts oneself in the other person's place one would want good behavior from the self (Golden Rule).

Stage 4, the stage of social system and conscience maintenance
Content: The right is doing one's duty in society, upholding the social order, and maintaining the welfare of society or the group.

1. What is right is fulfilling the actual duties to which one has agreed. Laws are to be upheld except in extreme cases where they conflict with other fixed social duties and rights. Right is also contributing to society, the group, or institution.
2. The reasons for doing right are to keep the institution going as a whole, self-respect or conscience as meeting one's defined obligations, or the consequences: "What if everyone did it?"

Level C, postconventional and principled level

Moral decisions are generated from rights, values or principles that are (or could be)
agreeable to all individuals composing or creating a society designed to have fair and beneficial practices.

Stage 5, the stage of prior rights and social contract or utility
Content: The right is upholding the basic rights, values, and legal contracts of a society, even when they conflict with the concrete rules and laws of the group.

1. What is right is being aware of the fact that people hold a variety of values and opinions, that most values and rules are relative to one’s group. These “relative” rules should usually be upheld, however, in the interest of the impartiality and because they are the social contract. Some nonrelative values and rights such as life, and liberty, however, must be upheld in any society and regardless of majority opinion.
2. Reasons for doing right are, in general, feeling obligated to obey the law because one has made a social contract to make and abide by laws, for the good of all and to protect their own rights and the rights of others. Family, friendship, trust, and work obligations are also commitments or contracts freely entered into and entail respect for the rights of others. One is concerned that laws and duties be based on rational calculation of overall utility: “the greatest good for the greatest number.”

Stage 6, the stage of universal ethical principles
Content: This stage assumes guidance by universal ethical principles that all humanity should follow.

1. Regarding what is right, Stage 6 is guided by universal ethical principles. Particular laws or social agreements are usually valid because they rest on such principles. When laws violate these principles, one acts in accordance with the principle. Principles are universal principles of justice: the equality of human rights and respect for the dignity of human beings as individuals. These are not merely values that are recognized, but are also principles used to generate particular decisions.
2. The reason for doing right is that, as a rational person, one has seen the validity of principles and has become committed to them.78

Kohlberg's theory is based on Piaget's theory which utilizes a cognitive framework. This means "apply[ing] a structural approach to moral development", and thus presenting a model that establishes "general stages of moral thought that can be defined independently of the specific content of particular moral decisions or actions."79 Piaget's theory holds that "both logic and morality develop through stages and that each stage is a structure that, formally considered, is in better equilibrium than its predecessor."80 Inspired by Piaget's criteria of cognitive stages, Kohlberg's developmental model is made up of stages that have three basic aspects: 1) The stages are invariant.81 This means that individuals move through the stages one stage at a time and that stages are always met in the same order. Stages are not skipped over. 2) Stages are understood as structured wholes.82 The stages are progressive complete developments. Subjects progress to the next stage, expressing the development of thought processes. They prefer the new stage to the old since it is an advancement in thinking, i.e., a new cognitive comprehension and thought process. This way, also, individuals do not process some things at one stage and other things at another. As they advance to a new stage, their reasoning and comprehension of moral issues are understood at that stage. People can be between stages, but it is understood as moving to the one above and not to the one below.83 Moral thought is a developmental process, in that lower stages of thought processes lead to higher stages of more advanced reasoning processes. This leads us to the third point: 3) the stages are hierarchical.84 A higher stage presupposes the lower stages, because it is a reorganization of the stages before it. Each higher stage is an advanced structured whole stage - differentiated and integrated from the stages before it: "Each step of development, then, is a better cognitive organization than the one before it, one that takes account of everything present in the previous stage but making new distinctions and organizes them into a more comprehensive or more equilibrated structure."85 People prefer a higher stage because, as we have already stated, it is a more advanced stage than the one before.86 Therefore, people
at higher stages can comprehend lower stages, but people at lower stages usually cannot yet comprehend stages that are two or more levels higher. Thus, moral thought follows a developmental process. This process is not a matter of learning new information, but rather, a cognitive development that expresses different levels of structures of thought: "a universal inner logical order of moral concepts."87

Cognitive Framework

Both Habermas and Kohlberg support a cognitive moral framework: "Cognitivism as the reasoning element of moral judgment...."88

Kohlberg’s model recognizes that thought processes are integrated and differentiated into stages, and that higher level stages can more adequately deal with moral conflicts. That higher stages deal more adequately with moral conflicts means that they assume a more complex assessment of and response to moral issues. Kohlberg adopts the idea of adequacy as recognizing that there are hierarchical stages of reasoning of moral development which respond to the needs of moral resolution. In light of this, one indirectly accepts that there must be a process of reasoning that acknowledges the existence of the difference between adequate and non-adequate responses, or more adequate and less adequate.

What we recognize when we say "adequate" is that our moral claims and their justification can be valid. Moral development is seen in terms of a model of hierarchial stage acquisition only because we can know the difference between right and wrong, valid and non-valid resolutions. This idea is explored in Habermas’ discussion on the validity of normative claims. If normative claims can be validated, then, 1) a moral model can be supported on the basis that stage acquisition and moral reasoning can proceed in light of the possibility of a right or wrong moral decision, giving a foundation for levels of thought and also for supporting the claim of a hierarchical movement towards validity, and, 2) in regards to levels of stage development, a process for such validation of normative claims can be held as a solid reference point for moral development, i.e., stage 6. Thus, Habermas’ philosophical analysis and justification of a cognitive approach supports and adds to the model by way of establishing a process of validation for normative inquiry. As
we have seen earlier, in the discussion of Habermas' argument for the validity of normative statements, a cognitive approach recognizes the possibility of validation of moral claims by means of argumentation. Through a process of reasoning, participants can come to understand normative claims as right or wrong. A moral cognitive framework recognizes that not only do scientific statements or truth claims profess validity but that normative claims do as well. In this way, like Habermas, Kohlberg relies on the idea of the validity of moral reasoning, in the form of hierarchical thought processes, to construct and understand stage development.

In addition, a strong philosophical analysis and practical model of the cognitive process weakens both relativist and emotivist theories. It answers the objections of relativists who reject essentialist ideas of values on the grounds that moral statements are culturally relative. It also rebuts the emotivists who maintain that judgments can be reduced to expressions of desire or emotions. Both Habermas and Kohlberg object to the limited idea of validity offered by the emotivists and the relativists on the grounds of a cognitive foundation of normative validity. As well, Habermas offers a process of argumentation in order to justify normative claims on the basis of preconditional essential rules of argumentation, which are recognized as the conditions of language oriented towards understanding. This means that an argument against normative reasoning must consider the philosophical analysis of language itself.

Kohlberg's developmental stage model empirically extends Habermas' cognitive notions of validity, since the stages themselves are founded within the cognitive framework. In view of Habermas' support of the cognitive-developmental model, Habermas can philosophically support the idea that development moves towards an ideal process of reasoning that leads to producing valid normative claims in order to resolve moral conflicts. On the other hand, for Habermas, Kohlberg's model is attractive to discourse ethics since it advocates a philosophically defensible practical cognitive structure which assumes valid normative claims.
Stage 6

Kohlberg states that stage 6 is a hypothetical stage. This means, as a stage it is not entirely based on empirical evidence as the other stages are. It is shaped from some empirical evidence of stage 6 reasoning, but is also relies on philosophical analysis of the "moral point of view" at stage 6. The highest stage, i.e., stage 6, Kohlberg stresses, is rarely reached by individuals and is usually only apparent in a philosophical context, which is why it is described as a hypothetical stage. It requires philosophical justification. Even in his early writings, Kohlberg was aware of the discussion and controversy which could arise over the definition of this stage. Therefore, stage 6, though distinct from other stages but clearly established as a stage, is still debatable and will continue to be shaped and defined, "as to make its greater adequacy plausible." Saying this, Kohlberg has well defined ideas of this stage, which is distinct and departs from stage 5.

Kohlberg's model of moral development is a normative model. Philosophical principles, supporting the "moral point of view", justify and describe the sixth stage of development. These principles are in turn seen as guidelines for understanding all the stages. This means that the model is founded on normative principles which are philosophically established: "A normative model establishes a standard as a developmental end point. It must include a philosophical as well as a psychological account of this end point or most equilibrated stage." The advantage of using philosophically analyzed and justified principles as a goal for a developmental model is that the development of morality is illuminated, and lower stages can be understood, in light of these principles. This does not mean that we must force the empirical results to fit our philosophical assumptions. Empirical results will either support the philosophical assumptions or not; as Kohlberg points out, "While we presupposed a general factor of justice in defining our moral dilemmas and stage structures, this predefinition did not guarantee empirical success in actually defining a unifying moral domain." Instead, philosophical principles give direction and help lay the foundation for a moral inquiry into development.

In "The Return of Stage" Six Kohlberg identifies stage 6 as follows:
Our description of Stage 6 begins with a general discussion of morality as a mode of regulating human interaction with the aim of maintaining respect for persons, an attitude that seeks to integrate the concerns for both justice and benevolence. This attitude of respect for persons is then shown to take a principled form at Stage 6, one that entails the seeking of consensus through dialogue and is constituted by a set of cognitive operations. We identify these operations as “sympathy,” “ideal reciprocal role-taking,” and “universalizability,” and we explicate these operations in the order listed to show how they are coordinated in the form of Stage 6 principled thinking.98

At stage 6 the highest cognitive form of respect is realized. Herein lies the ideal relationship and stance between individuals in regard to moral understanding. Justice and benevolence, attitudes and principles of respect, are made up of the cognitive operations of sympathy, ideal reciprocal role-taking, and universalizability. In other words, these three cognitive operations underlie stage 6 ideas of justice and benevolence, which is understood as the ideal notion of respect between people.

From the onset, Kohlberg differentiates between attitudes and principles when referring to justice and benevolence. Simply, justice and benevolence at stage 6 are identified as the attitudes motivating stage 6 interrelations, and at the same time they stand as principles which reflect the dialogical process and cognitive operations establishing and maintaining the attitude of the stage.99 Though we are not describing the reasoning process of dialogue, we are establishing the psychological attitude, whereby stage 6 reasoning is possible. This means that at stage 6, unlike at other stages, the attitude also refers to principles of interactions and procedures.

Before we go into the description of the three cognitive operations, it is necessary to understand exactly what is being defined. The attitude of respect assumes the need for real dialogue. But, in addition, it also “resolves the problem of consensus”, i.e., in the case where dialogue is either not possible or consensus not reached.100 This takes into account that in real life participation and actual consensus are not always possible, without assuming that real dialogue or
consensus is not actually possible. It recognizes that stage 6 attitudes must be able to sufficiently extend to impossible situations of resolution from the ideal dialogical, as if a real dialogue or consensus was being satisfied.

3 Operations

The idea of respect at stage 6 brings together the attitudes and principles offered by justice and benevolence, and that within these notions lies the cognitive operations of sympathy, reciprocal role-taking, and universalizability. Since these operations are held within the notions of justice and benevolence, we will look at them briefly to understand what Kohlberg means by the terms justice and benevolence.

Sympathy, an operation of benevolence, refers to the perception and interaction between people. It focuses on two perspectives: "(1) the understanding of persons, and (2) the understanding of general facts of the human condition within which persons exist and interact." This leads us with two very significant notions behind interaction: (1) "persons are understood as 'self-determining agents who pursue objects of interest to themselves'", which means, "what the others' interests are cannot be assumed" and that "one's perception of persons and their construction of interests in terms of life plans are not independent of contingencies such as psychological, social, structural, historical, and cultural factors" and, (2) that there are some basic conditions in which we all share. Sympathy opens each others' perspectives to what others experience by both individual and shared forms of understanding.

From sympathy we turn to ideal reciprocal role-taking, which essentially aims at balancing claims by individuals. Ideal reciprocal role-taking is an operation of justice. It requires the balancing of interests in the form of "a mutually acceptable resolution by attending to the interests of actual persons directly involved in the problematic situation or affected substantively by its resolution." This notion of justice as the balancing of claims includes the need for participation, in which "directly involved" requires actual dialogue, and also extends participation to self-representation: "interests of actual persons directly involved".
For ideal reciprocal role-taking, the decision maker(s) must balance the interests of those affected by a resolution. A resolution is then understood as that solution in which anyone put in the same situation would come to the same resolution who exercised the same operative cognitive process, i.e., reciprocal role-taking. Here lies the notion of reversibility - the ideal outcome, or consensus, of a procedure of ideal reciprocal role-taking.

Before we move on to universalizability, it is important to look at the relationship of benevolence and justice in view of sympathy and reciprocal role-taking. Kohlberg explains that "the aim of the autonomous Stage 6 moral agent is to seek resolution of moral problems in such a way that promoting good for some does not fail to respect the rights of others, and respecting the rights of individuals does not fail to seek promotion of the best for all." What this means is twofold. First, benevolence requires the interrelation between self and other in a way that places the person in a shared world, realm of understanding, with others. This requires, as we have seen above, the connection which recognizes each person's situation in the world as being unique and contingent to their own personal experiences, and the recognition that we all share this uniqueness. This brings people together by recognizing that, as Kohlberg explains, "one's identification and empathic connection with others...'part of the responsibility of being a member of the human race'." Next, justice, on the other hand, "presupposes a momentary separation of individual wills and cognitively organizes this separation in the service of achieving a fair adjudication through a recognition of equality and reciprocal role-taking."

Though benevolence and justice approach relations between people in different ways it is necessary that the two be used together in order that, at the same time that we are sympathizing with the other's particular concerns, we can consider the need to balance different claims by reflecting on and separating these individual concerns. Simply, the idea is to balance bringing people together with respecting the needs of individuals.

Universalizability extends the idea of reversibility which itself requires the correlation between benevolence and justice: it "imaginatively validates the reversible choice in the context of two interrelated dimensions." This is done
first by recognizing that "the situation being judged is projected into the array of an imagined universe of all situations that could be considered similar and of all persons who could be moral actors in these situations." This entails a form of consistency which holds, first, that all like situations should be dealt with in the same way, and secondly, when perceiving the situation in question, the observer must take an objective perspective in which there is a "momentary separation of personal identities from particular interests" and, thus, the intention to find a solution which anyone could accept. This assumes a perspective whereby the decision maker momentarily separates his or her self from the situation in question, from the other participants involved and their claims, and from one's own interest and subjective perspective. Resolution here attempts to aspire to an ideal universal outcome.

To summarize, Kohlberg presents at stage six an attitude which specifies a particular idea of respect. This idea espouses the two notions of justice and benevolence. At the same time, justice and benevolence take a principled form which can be applied in a procedural process of understanding required for moral inquiry and decision making. The three cognitive operations of sympathy, reciprocal role-taking, and universalizability make up what is required for the attitudes of benevolence and justice. In addition to this description of stage 6, it must be stressed that at the procedural level dialogue is the only way in which these three operations, or the principles of justice and benevolence, can be ideally realized. Saying this, it is only by means of reciprocal role-taking, in relation to the additional cognitive operations, that a "thought experiment" can come close enough to ideal conditions, in the case of monological decision making. This means, simply, that in cases where dialogue or consensus is impossible, one can solely, by exercising the cognitive operations, come monologically to a fair moral decision.

Understanding: Kohlberg and Habermas

Both Kohlberg and Habermas support a dialogical process whereby mutual understanding is necessary as the process towards consensus or agreement. Here I am making a distinct separation between the idea of understanding and the idea of
consensus. In order for actual respect at stage 6 to be realized there must be actual dialogue between those who are and will be affected. For Kohlberg, this is most clearly seen with his description of ideal reciprocal role-taking. He explains that, "The perspective of others are taken in order to understand their interests, as expressed in their claims about their interests."\textsuperscript{110} He also expresses the idea of understanding in his idea of sympathy: "it entails an active understanding of the other in terms of his or her own interpretation of personal uniqueness."\textsuperscript{111} Understanding for Kohlberg, first, is tied up with dialogue. This is because in real dialogue participants have the opportunity to express their own claims. Understanding is the mutual relationship by participants of expressing one's own interests and perspective and accepting the same of others. This is the only fair way that allows one to express his or her own claims without fear of misrepresentation and for each member to work with each other in order to fully understand the others' perspective.

Habermas' theory of argumentation provides us with the procedure of argumentation in order that understanding, as Kohlberg expresses it, can come about. He presents rules which must be fulfilled in order for dialogue aimed at understanding to precede. These rules are then brought together to offer two principles of argumentation, moral dialogue aimed at understanding, (U) and (D). I will not precede into a lengthy discussion on the similarities between the principles offered by Habermas and Kohlberg. It is clear that there are fundamentally shared ideas between the two which makes Habermas' addition to the model and Kohlberg's representation of practical elements of moral development ideal for both theorists. For example, Habermas' idea of reciprocity requires the "equal recognition of the claims of each participant by all others."\textsuperscript{112} In addition, both are concerned with the idea of fairness.\textsuperscript{113} Both also stress the need for universalism in the way of consistency. And as noted above, both see the need for moral dialogue as the ultimate step in moral reasoning and both recognize the success of argumentation essentially for understanding and ultimately towards consensus or agreement.
The Problem of Stage 6

I am going to single out one criticism Habermas has of Kohlberg, but it is one which is very crucial. Habermas claims that Kohlberg includes a principle which maintains the idea of equal respect, but leaves out, unlike communication theory, "interest in the general welfare." Habermas explains that Kohlberg centres on the relationship between individuals in regard to equal respect but leaves out the idea of the general interest which Habermas identifies as solidarity. He explains that solidarity holds that "each person must take responsibility for the other because as consociates all must have an interest in the integrity of their shared life context in the same way."

Yet, benevolence as described by Kohlberg does account for the needs of solidarity. If it is not expressed in Kohlberg’s idea of "good for all" or "best for all," then clearly it is expressed with his description of sympathy which is an operation of benevolence. As we have seen earlier, sympathy concerns two different connections between people: "(1) the understanding of persons, and (2) the understanding of general facts of the human condition within which persons exist and interact." This definition expresses the appreciation of persons in general, with the added appreciation of each person’s particular situation. With this in mind, considering this within the context of dialogue, what results is a solution that represents each person, as well as the general interests of humans as a whole. Sympathy brings individuals together, rather than simply identifying their differences, at the same time as recognizing the general facts about all humans. If we also add Kohlberg’s inclusion of universalizability, we can see that the direction is towards a general interest. Even Habermas agrees that with the inclusion of the universalistic element at stage 6 “solidarity loses its merely particular meaning, in which it is limited to the internal relationships of a collectivity that is ethnocentrically isolated from other groups...." This leads to the conclusion that Kohlberg does consider the idea of solidarity in his description of sympathy, ideal reciprocal role-taking, and universalizability, and thus does not exclude the idea of the general interest.

Even still, this issue raised by Habermas points to another more serious
division between Habermas and Kohlberg's ideas of stage 6 decision making. There is a sense that Habermas generally criticises Kohlberg for his preoccupation and focus on the individual versus the general. And this is extended to his concern over Kohlberg recognizing individuals' contextual situations. For example, Habermas claims that Kohlberg's interpretation of role-taking has "a strong emotivistic tinge." He continues to state:

> The discursive character of rational will formation, which can end in intersubjective recognition of criticizable validity claims only if attitudes are changed through arguments, is here neglected in favor of achievements of empathic understanding. The presentation in this volume by Kohlberg, Boyd, and Levine demonstrates a tendency...to view "dialogue" not as a form of argumentation but as a method from group dynamics for sharpening the capacity for empathy and strengthening social ties. Where this tendency becomes dominant, however, it is to the detriment of the purely cognitive meaning of ideal role-taking as a procedure for the impartial judgment of moral state of affairs.

However, we must question Habermas' interpretation. First, it is Kohlberg, as cited early, who rejects an emotivist position in favour of a cognitive framework. This means, he recognizes the validity of moral claims, which can be discovered through a process of reasoning. And like Habermas, Kohlberg's stage 6 includes the reflection of prereflective principles of moral justification. And in "The Return of Stage 6", consensus is also the directive for Kohlberg as the process of understanding, which is reflected upon by universal standards. Simply, as demonstrated by Kohlberg's description of stage 6, there is no reason to believe that one must forsake consensus in order to offer an elaborate description of understanding within argumentation. Being true to argumentation, it is necessary to describe what is necessary for understanding. We can go so far as to say that what Kohlberg offers is a unique and elaborate explanation, since he goes as far as describing the motivation behind working towards understanding. But, there is no question that for Kohlberg consensus is the goal of mutual argumentation, even suggesting it at the expense of continued dialogue.

Why does Habermas make this criticism of Kohlberg when it appears that
fundamentally Kohlberg's stage 6 resembles Habermas' idea of a principled stage? It seems likely that they would compliment each other in their additions to each others' work. Kohlberg gives us an empirical cognitively based model which contains a stage 6 end point. Stage 6 requires the use of dialogue for moral resolution, since dialogue expresses the attitude of respect inherent at this stage. Here the principles of justice and benevolence describe this stage and the relation people have toward each other. Habermas then supports this stage by contributing a philosophically valid theory of discourse which is supported by prereflective rules of argumentation. Discourse also rests on principles which can be likened to Kohlberg's principles of stage 6. Thus, it might seem that Habermas' concern for Kohlberg's interpretation and description of the principles is severe and unnecessary since their work seems to come together very well. But, Habermas' concern goes much deeper than simply fine tuning or cleaning up Kohlberg's ideas of benevolence or solidarity. Though it may seem like our work is done by showing that they are really talking about the same connection between individuals, therein lies a separation between the two theorists' ideas which cannot be easily reconciled. The problem lies more with the focus on contextualized claims, recognized by individual uniqueness, and where these fit in to the moral domain. In other words, Habermas is concerned with the relationship between the private world of individuals and the public forum of decisions and decision making. He sees these as separate realms. Thus, when Kohlberg offers a description of benevolence, sympathy, which can be seen to merge these two perspectives, Habermas is quick to halt the attempt and reestablish this divide.

In order to explain this division, first I will turn to a debate that was sparked by Kohlberg's work, and which we will see eventually elaborates on this concern raised by Habermas. The debate I am referring to is the one that started with Carol Gilligan regarding the issue of care. From this, Seyla Benhabib progresses the discussion to identity the different positions regarding the private and public separation.
PART III

CAROL GILLIGAN:
A Response to Kohlberg

First we will briefly look at Carol Gilligan's response to Kohlberg's model in order to establish a starting point of the debate initiated by Habermas above, i.e., the relationship between the public and private realms. We will begin by introducing some fundamental points made by Gilligan.

In view of Kohlberg's model of development and moral theory, Carol Gilligan conducted her own research and analysis of moral thought and decision making in *In a Different Voice*. Responding to Kohlberg's studies, which showed that women on average did not reach as advanced stages of development as men, she prefaced her study with the hypothesis that women's moral process advances differently than men's, and that this process can not be explained simply as a delayed or inadequate level of advanced moral reasoning. Her argument, supported by her research, concluded that women are more inclined to consider moral issues within the context of relationships. This lead to an ethic of care rather than the male model of an individualist moral perspective, represented in the ethic of justice and liberal rights. Thus, she proposed women's moral development as an ethic of care parallels that of men's ethic of justice and thus represents a different description of development - a development towards care. This oversight or neglect of an ethic of care, or even the possibility of a different mode of development, by Kohlberg, resulted both in the observed discrepancies of moral development in gender found in his study and in a limited model of moral understanding.

Though there have certainly been valid reasons to question Gilligan's work and the strength of her arguments based on valid research and philosophical analysis, her contribution, at the very least, encourages us to expand the developmental model, if not question its very foundations. For our purposes, we shall consider three points of concern regarding Kohlberg's developmental theory which she inspires: 1) how is the situatedness or experiences of subjects involved in moral issues and decisions. This calls for: 2) a re-examination of the relationship
between the moral and the good life, and thus: 3) a rethinking of the moral stages and the idea of adequacy.

The first point addresses the issue of social situations and how they affect responses to moral dilemmas. For example, the answers given by a group of female college students, when asked about morality in general, led to the conclusion that "these women's reluctance to judge stems rather from their uncertainty about their right to make moral statements, or perhaps from the price for them that such judgment seems to entail." In other words, there exists certain expectations towards members of society, and these expectations affect moral responses and decision making. For these women, expectations tend towards self-sacrifice, because it has always been expected of them. For these women, there is evidence of a moral obligation to sacrifice their own needs. This is especially clear with the issue of abortion, where women are often expected to sacrifice their own sense of well-being for the welfare and life of another, the fetus. Or, it is expected that they sacrifice their moral beliefs and feelings against abortion for the sake of another, like the spouse, family or even a career, which, being constructed around the male model, does not include the perspective of child bearing. Thus, women's responses to moral dilemmas may tend away from self-survival or self-worth, i.e., individual rights, and their responses may go beyond an answer which can be settled as definitely right or wrong. Social expectations and roles affect our perspectives and responses to moral conflicts, thus the effects of such influences need to be part of the research into and understanding of moral development.

Gilligan also raises the issue of social constraints being a factor in people's moral decision making. Referring to the work of Lillian Rubin who took up the perspective of "the black family in poverty...by charting the 'worlds of pain' that it costs to raise a family in conditions of social and economic disadvantage," Gilligan raises the issue of: "how class, race, and ethnicity are used to justify and rationalize the continuing inequality of an economic system that benefits some at others' expense." These areas need to be considered to understand the development of individuals. That the understanding of moral issues as being intertwined with one's real world experiences - constant struggle against moral
injustices, peoples' values inflicted upon others, the need to create a personal unit of relationship within the family or as a sub-culture in order to maintain moral values and understanding since outside this unit there is no sense of inclusion - if seen as morally inadequate for higher stage moral reasoning, forces the question of who is defining and included in moral adequacy. As Gilligan explains, such a reality of social inequities, and an analysis of it, is more of "a commentary on the society than a problem...[of certain individuals'] development." To summarize, a moral theory which does not include the influence of role expectations and social conditions ignores important influences on moral reasoning and decision making.

If personal situations affect moral responses, then a problem arises in the research when hypothetical dilemmas are preferred to real ones. Kohlberg bases his study on hypothetical moral dilemmas. Gilligan, in contrast, explains that, "Hypothetical dilemmas, in the abstraction of their presentation, divest moral actors from the history and psychology of their individual lives and separate the moral problem from the social contingencies of its possible occurrence." Her argument suggests that it is unclear how answers to hypothetical situations can reflect moral cognitive stages, if we are to assume that such stages are to be applied to or a reflection of real life moral thinking and decision making. She goes to explain, that, "only when substance is given to the skeletal lives of hypothetical people is it possible to consider the social injustice that their moral problems may reflect and to imagine the individual suffering their occurrence may signify or their resolution engender."

These issues above lead to the main issue of concern, that is, where can we reasonably make a separation, and such a rigid one, so that we can exclusively look at moral issues. But, Gilligan's point, which has been expressed above, suggests that that is what Kohlberg has done. Her point can be seen as twofold: first, that the split represents a split between care and justice, between relationships and individuation. Second, with her analysis of the social world and the need for recognizing social conditions, she suggests at the very least that without the private world, i.e., considering the contingencies of individual situations, there seems to be no point in moral decision-making, or at the very least, in a theory of moral decision-making.
But, more emphatically, that issues of care, strictly speaking individual contingencies of life, are moral concerns.

This leads us to rethink the idea of stages and personal development and to consider social advancement. Considering Gilligan’s concerns, adequacy, in the way Kohlberg uses the word, is not an appropriate term, since it may very well be adequate for people to be at the stage they are at. On the other hand, if we want to keep the notion of higher stage advancement, and if Gilligan is right in that relationships between people are vital to moral understanding, then we must consider the possibility that the moral advancement of some is directly related to the moral stagnation of others and thus so-called stage advancement may only exist in a world where others do not advance, or put differently, in a world where moral advancement reflects social inequalities. This may seem like a drastic interpretation, but it raises a very important issue for consideration, i.e., the interrelatedness of people, which earlier Kohlberg was seen to discuss, means that those who advance are directly related to and affected by those who do not (and visa versa).

**Reply to Gilligan**

Turning now to Habermas and Kohlberg’s reply to Gilligan’s concerns, we can categorize the points discussed above into: 1) the issue of care versus justice, 2) the use of hypothetical versus real dilemmas, and 3) the split between issues of the good life and moral issues.

**Habermas**

*Issue of Care: The Good Life versus the Moral*

First we will look at Habermas’ responses to the ideas raised by Gilligan. This takes us directly to Habermas’ concern over the private and public relationship.

Habermas supports the position that care and responsibility, in so far as they are universal, are moral principles and issues of justice; they “are already contained in the meaning of the term normative validity.” Where the delineation occurs in moral development is not between justice and care, but rather, between private
issues and public issues. Here we will turn to Habermas' reply to Gilligan regarding both the private and public split and the use of hypothetical versus real dilemmas.

Habermas captures a valid problem apparent at the conventional stage: "this explicit knowledge [of given institutional orders] is so intimately tied up with the implicit background certainties of a particular form of life that the intersubjectively accepted norms are accorded absolute validity." The problem Habermas is identifying is that there are background certainties about individuals which are not put up for question but taken-for-granted. When these certainties are intertwined with moral issues, issues which can be and are reflected upon, the possibility of understanding and resolution diminishes because of interference from attitudes and points of view which are fundamental and personal to the individual. These background certainties cannot be shared on the level of conflict resolution. They are private and not something willingly put up for debate. In Gilligan's own examples, the taken-for-granted family relationships and roles rarely seem to be examined by the subjects, but are rather accorded validity unreflectingly. An example of this is seen with Gilligan's subject, Emily, who is trying to decide where to go to medical school. She is deciding between where she wants to go and a school close to home for her parents' sake. In this situation, there seems to be confusion between what is moral, something that can be reflected and debated upon, and the taken-for-granted demands on or expectations of the daughter by the parents which are not subjected to justification. For Emily, the family ties between daughter and parents is a background certainty. In this conflict, there is no real moral value, since what she is deciding between is her personal feelings of where she wants to go to school and the bond and responsibility she feels towards her parents. A reason for moral understanding cannot be "as their daughter I am expected to stay". This does not express a reflection upon such a duty. That is not to say this cannot be turned into a moral issue, (e.g., should parents have a right to hold their children back against the child's own will?), but for Emily this is not that kind of an issue. It can also be argued that her decision will include definite taken-for-granted conditions and perspectives, which, if subjected to Habermas' reasoning process, would have to be up for reflection, but which obviously are not even considered or want to be
considered for reflection by Emily. Thus, Emily may be conflicted, but her desire to go away to school and her relationship with her parents are not up for debate at the moral level. Thus, in this case, Habermas would argue, these are private issues, which make Emily’s life her own.

Habermas clearly distinguishes ideas of the good life, and goes so far as to say that these ideas are not only taken-for-granted, but become essential to people’s very existence. He explains that:

Cultural values embodied and fused in the totalities of life forms and life histories permeate the fabric of the communicative practice of everyday life through which the individual’s life is shaped and his identity secured. It is impossible for the individual as an acting subject to distance himself from this life practice as he can distance himself from the institutions of his social world. Cultural values too transcend actual courses of action. They congeal into historical and biographical syndromes of value orientations, enabling individuals to distinguish the reproduction of mere life from ideas of the good life. But ideas of the good life are not notions that simply occur to individuals as abstract imperatives; they shape the identity of groups and individuals in such a way that they form an integral part of culture and personality. A person who questions the forms of life in which his identity has been shaped questions his very existence. The distancing produced by life crises of that kind is of another sort than the distance of a norm-testing participant in discourse from the facticity of existing institutions.134

Habermas encourages us to consider that Gilligan takes the care and relationship issue too far, and confuses the points. Care in the moral domain is an issue for debate and is coupled with justice. Care is recognized by focusing on the interrelations of human beings. Humans live together and find their identity through their relationships with each other. This does not mean, though, that all levels of relationships fall under this consideration. We can still separate relationships which are private to a specific individual, relationships on a communal level, and relationships on a universal level. My relationship with a family member, individually and culturally, is different than the human need with another to live together in and to come to an understanding over the world. It is with the latter, in Habermas’ definition, that moral issues arise. The former is
private and subject to the individual's own or some form of communal reflection and decision-making. Simply, these issues cannot be decided upon at a moral level.

Saying this, while keeping this distinction between the good life versus the moral or norm-testing realm in mind, Habermas recognizes and defends Gilligan's concern regarding the relationship between the private and the public. Yet, he sees this as a problem of application and not as a problem at the level of argumentation. Resolutions decided on at the level of argumentation need to be reintroduced into the lifeworld in the form of active or realizable principles in order to use them in daily life. This results in other concerns and conflicts which are different from those which are resolved through the moral argumentation process. Responding to Gilligan's interpretation of the private and public as intertwined and inseparable, Habermas argues that this interpretation "rests on a misconception of the basic problem of how ethical life and morality are to be mediated."135 In other words, Gilligan does not recognize the delineation between moral reasoning and the introduction of moral principles into the lifeworld. Habermas does not deny the degree to which the introduction of decisions into the lifeworld is a difficult problem, as we have seen in the section "Habermas' Critique of Modernity", but he insists that this concern is different from that of moral conflict resolution and should not be conflated with such.

He goes on to point out that Gilligan is concerned with the contextualization of moral principles, as it stands prior to moral abstraction. In other words, she is concerned with the mediation of moral decisions within the lifeworld at the same time as decisions are being debated. Habermas explains that these should be seen as different moments. When a conflict arises, the moral issues get abstracted for argumentation, next an agreement is made, and then new decisions are mediated, for example by the court system, back into the lifeworld. Thus, Gilligan "fail[s] to distinguish sufficiently between moral and evaluative issues...."136 The problem with how decisions are actualized in the lifeworld or affect our personal lives - the contextualization of the moral principles - comes after the process of argumentation or moral decision making rather than during it. Therefore, "The question of the context-specific application of universal norms should not be confused with the
Hypothetical versus Real Dilemmas

This leads us to reflect on the issue of hypothetical versus real dilemmas. In order to address this issue we have to remember, which we will return to later, that Kohlberg uses hypothetical dilemmas to create stages for his model. Hypothetical dilemmas are not understood by Kohlberg to be content for moral decision making. For Habermas, this distinction is not as clear. He sees this issue as continuing the line of argument between moral issues and issues of the good life. Following the need to separate moral dilemmas from issues of the good life, the hypothetical perspective compels one to separate norms from values; those which can be discussed in view of validity and agreement, and those issues which are private and cannot be established through a process of validity. Habermas attributes Gilligan's concerns of actual versus hypothetical dilemmas to ignoring the fact that the question of whether what I ought to do is the same as what I would do concerns only the motivational side of the problem of mediation. The other side of the [mediation] problem is cognitive in nature: In a given situation, how is one to interpret a universal command, which says merely what one ought to do, in such a way that one can then act in accordance with the command within the context of the situation?138

Like the issue of application, motivation concerns contextualizing the moral issue and thus confusing what one ought to do with what one would do in one's own situation with the taken-for-granted background perspective. Moral questions and solutions should go beyond the private realm. Therefore, hypothetical questions motivate the individual to abstract from what they know, cognitively, and to answer objectively, reflectively, and with reasons. If we were to ask real questions that would affect a person personally, his or her answer would include considerations of her or his personal situation and thus include a perspective which is not up for debate. As Habermas admits, although personal perspectives are important, they do not succumb to reason and agreement.

To summarize, Habermas' concerns with Gilligan lie fundamentally with her
idea of care which is too inclusive. This means that she incorporates the private realm with the moral realm, in which we can debate issues on a universal and reflective level. By doing this, she confuses issues which can be solved through reason with the application of those resolutions of moral debate. These two areas respond to different concerns and processes, and thus should not be confused. Discourse ethics itself is concerned with the process of reasoning, which, Habermas argues, only considers universalizable issues and issues which can be validated.
BENHABIB:

We will respond to Habermas' reply to the issues Gilligan raises by turning to Benhabib's version of discourse ethics. Taking up the argument initiated by Gilligan, Benhabib goes further by isolating the perspective of the private and public relationship given by Habermas and offers us a philosophically insightful analysis and explanation of his approach. In addition, we will find, her work succeeds in establishing a different but preferable practical version of discourse ethics than the one offered by Habermas, but one which still remains true to the foundations of discourse ethics which he offers. Benhabib's version is more acceptable because it takes discourse ethics, and Habermas, at its word. In this sense, it is best to think of Benhabib's additions to discourse ethics, not as a negation of Habermas' theory, but rather as enhancing it.

The Ethic of Care

Benhabib agrees with Habermas that an ethic of care should be included within an ethic of justice. As Benhabib explains:

Precisely because I do not think that a moral theory adequate to the way of life of complex modern societies can be formulated without some universalist specification of impartiality and the moral point of view, I find it more fruitful to read Gilligan's work not as a wholesale rejection of universalism - for which there is little evidence in her own texts - but as a contribution to the development of a non-formalist, contextually sensitive and postconventional understanding of ethical life.139

Reconsidering the Rational Framework

What we find to be a controversial issue, initiated by Habermas, is how to establish the relationship between issues of the good life and moral issues. As we have seen above, Habermas' position against Gilligan is that she conflates issues of the good life with moral issues or issues of justice. He maintains that how one decides to apply moral resolutions and live one's life is a private issue and not to be decided within the realm of moral argumentation. At stage 6 of moral development, an individual is able to abstract moral issues from her or his everyday
context which can then be subjected to a dialogical process of reasoning and argumentation. Therefore, at this point, contextualized issues are separated from generalizable, or universal, issues.

This separation is attributed by Benhabib to the formalist framework which becomes part of Habermas' theoretical structure. Habermas advocates a formalist approach. He upholds the necessary separation of form and content, or, as he calls it, the rationalization of the lifeworld. As we have seen in the modernity section, morality can be understood at the special knowledge level abstracted from the ethical everyday language. The ethical realm deals with issues of the good which are particular to individuals or groups. Habermas insists that the moral realm, in contrast, is a universal structure, which, though it can be intertwined with notions of the good, i.e., the particular everyday, it can be abstracted in order to differentiate between moral concerns and private or culturally specific issues. In response to the relativists, Habermas admits that the particular indeed is relative and dependent on culture. Yet, for Habermas there also lies a universal moral realm which goes beyond particularities.

Formalism seems to work well with cognitivism since cognitivism recognizes the essential underlying validity of normative statements, and formalism relies on the fundamental structure of moral claims to separate claims which can be validated from those which cannot.

We believe that systems of truly moral thought are more and less valid and that movement from some of these systems to others can represent a developmental sequence in distinctively moral thought. We claim that more valid systems better fulfill criteria of validity laid down by moral philosophers, especially those of the formalist, Kantian tradition.140

In regards to both cognitivism and formalism, Habermas, on the one hand, has provided a philosophical identification of the moral realm, in both the cognitive and formalist tradition. Kohlberg, on the other hand, can be seen to have contributed to the cognitivist and formalist ideals by putting forth an empirical model which identifies the stages of moral thought, relying on normative validity.
and separating the content from the structure behind moral statements, i.e., moral thinking explained at each level of development.

**The Generalized and the Concrete**

The rationalist perspective assumes an underlying human essence which is universal and can be abstracted from the contextual elements and perspectives of humans. It distinguishes what is universal from what is private or contextual. As Benhabib points out, this ideal stems back to the Hobbesian model of a human as a mushroom springing from earth: "as if but even now sprung out of the earth, and suddenly, like mushrooms, come to full maturity, without all kind of engagement to one another." This individual is understood as being essentially independent and unembedded in relationships and context. Benhabib describes this delineation between the private and universal as the concrete versus the generalized other. The generalized human represents the universal human who is detached from and not affected by the world of relationships. The generalized individual can make rational decisions which reflect the universal person, i.e., all people.

Benhabib argues that by focusing on the generalized subject, by stripping one of her or his history and identity, in order for a person to choose freely, i.e., without the constraints and bias of contextualized experience, the process of decision-making leaves us with nothing about which to make choices. Benhabib’s argument is that we must involve the concrete with the generalized in moral decision-making in order to fully understand the extent and conditions of moral conflict. She asserts that: “Moral situations, like moral emotions and attitudes, can only be individuated if they are evaluated in light of our knowledge of the history of the agents involved in them.” Context makes individuals individualized, and anticipates without defining, moral differences and points of view.

Can moral situations be individuated independently of our knowledge of the agents involved in these situations, of their histories, attitudes, characters and desires? Can I describe a situation as one of arrogance or hurt pride without knowing something about you as a concrete other? Can I know how to distinguish between a breach of confidence and a harmless slip of the tongue, without knowing your history and your character?
She goes on to explain, one cannot defend a moral point of view which disregards the contextualized person, since such a neglect actually negates the concept of separation between "you" and "me". What this means is that to focus only on the perspective of the generalized subject in order to choose what is moral and worthy of consideration, or what is a moral perspective, leaves us with no content or conflicts to resolve and no subjects with which to take the other-perspective, for example in reciprocal role-taking. Taking another's position, as is expected in reciprocal role-taking, cannot be experienced and understood, fairly, without considering the context in which it arises. As Benhabib states, in the case of a purely generalized position, a subject is expected to exhibit a moral perspective before moral decision-making even takes place. Her point is clear: "there can be no coherent reversibility of perspectives and positions unless the identity of the other as distinct from the self, not merely in the sense of bodily otherness but as a concrete other, is retained." In other words, Benhabib claims that by only considering the generalized subject, the very principles of the moral domain, required at stage 6, universality and reciprocity, are jeopardised.

**Habermas and the Principles of Discourse**

In Habermas' version of discourse ethics the separation between the concrete and the generalized is described as the separation between the private and the public realm, between issues of the good life and moral issues. Universalizable, and thus generalized, issues are separated from those which are individual and concrete, and cannot be generalized. This perspective and separation determines which issues are allowed within the moral domain prior to argumentation. Thus, separating the concrete from the generalized subject results in defining what is moral and what is not, or what is a moral perspective and what is not a moral perspective.

Benhabib attributes Habermas' position with equating the abstracted principles of discourse with the content over which we debate. He mistakenly infers that justifying principles for a process of argumentation also justifies defining or choosing what can be discussed. She goes on to add that this inference is a result
of his espousing cognitivism and rationalism, as if these frameworks entail each other: "Communicative ethics, in my view, is a form of ethical cognitivism which has so far been presented as a form of ethical rationalism. Particularly the claim that judgments of justice constitute the hard core of all moral theory is an instance of such rationalism...."147 She explains: "By 'ethical cognitivism' I understand the view that ethical judgments and principles have a cognitively articulate kernel and that they are neither mere statements of preference nor statements of taste."148 She defends Habermas' claim for the validity of moral statements, which, through reasoning, possess a validity analogous to that of truth statements. While supporting ethical cognitivism, she questions the rationalist approach:

By 'ethical rationalism,' by contrast, I mean a theoretical position which views moral judgments as the core of moral theory, and which neglects that the moral self is not a moral geometrician but an embodied, finite, suffering and emotive being. We are not born rational but we acquire rationality through contingent processes of socialization and identity formation.149

She goes on to maintain that,

By ignoring or rather by abstracting away from the embedded, contingent and finite aspects of human beings, [Habermas and others theorists become] blind to the variety and richness as well as significance of emotional and character development....This neglect of the contingent beginnings of moral personality and character also leads to a distorted vision of certain human relationships and of their moral texture.150

To focus on rational judgments is to focus on the human ability to abstract. But, rationality comes out of contextualized and contingent human beings. By isolating rationality, we dismiss the relationships and experiences in which rationality is embedded. We are rational at the same time as contingent beings. Thus, neither of these sides of being human can be ignored. Real human beings with real contextual issues are the participants of moral discourse, and this means rational as well as contingent contextual agents.

Though discourse ethics is a moral theory that advances the process of moral
decision making, and not moral principles, Habermas presents it as a continuation of a rationalist model which identifies universalism with moral principles, i.e., the results of moral debates. This desire to maintain a rationalist perspective of universalism results in a discourse ethics which no longer is distinguishable from other procedural theories:

> the more the standpoint of a 'practical discourse' is articulated in theoretical terms, the less is it possible to distinguish between communicative ethics and other rival accounts of the moral point of view on procedural grounds alone. According to the theory of practical discourse as well, a certain procedure is presented to moral agents as the 'privileged description' corresponding to the moral point of view. This generates a 'dialectic of form and content' in communicative ethics.\(^{151}\)

Though it may seem that this dialectic is preferable, if it becomes a description of the moral perspective and moral principles, discourse looses its uniqueness as a theory which presents rules of argumentation which are presupposed in everyday communication. What we are left with is simply a procedure which defines what should or should not be considered as moral content.

What makes discourse ethics a preferable theory of ethics is that it does not base itself in moral judgments, but rather on a process. Theories based in moral judgments themselves have shown to be monological, and thus break the principles of discourse ethics which requires actual argumentation. In discourse ethics, moral judgments are the result of, and not prior to, moral debate. Discourse ethics does not presuppose or claim to expose absolute moral judgments which anyone can deduce. In this case, moral judgments would be the centre of moral theory and moral theory would be understood as the means to expose and discover these absolute judgments. Discourse ethics, on the other hand, recognizes moral validity in a process of reasoning and understanding. Thus, moral judgments are not the focus and are even subject to change depending on the participants and social evolutionary changes. As seen earlier in Habermas' modernity section, agreement and moral decisions are no longer restricted by traditional barriers, but rather they rely on a continual process of individual and communal acceptance. This
acceptance focuses directly on the moral process, including a real discourse and participation, and only secondarily on moral judgments, because moral judgments are no longer seen as absolute. But, if we place this idea within a strict rationalist perspective, then our focus is no longer on a process, but rather on the results of this process. Clearly, this is not the goal of discourse ethics.

In addition to deciding the content of debate, a rationalist model also describes who can participate in the decision-making process. Benhabib explains that, "description already seems to entail evaluation. To say that a situation is of such and such a kind already seems to invoke a very complex process in which just as much is revealed about the character of the person judging as it is about the situation judged." This participant in the decision-making process is rational, reflective, and morally advanced. Thus, the rationalist perspective not only separates moral issues from private issues for the moral domain, it also separates people who may and may not participate. Only certain people may participate in a moral debate since these people are the only ones who can recognize moral issues. This leaves us with a theory which violates the rules of discourse, i.e., principle (D).

Thus, it seems, as Benhabib states, Habermas' rationalist bias is not rooted in the role he attributes to argumentation or to the use of reasons to generate agreement; this rationalistic bias is rooted in the assumption that such argumentation processes also have a motive-shaping and action-determining quality. Habermas is too quick in translating the rationality intrinsic to argumentation procedures into the rationality of action and life conduct.

Benhabib goes further in addressing the public and private split by adding that moral changes in our society which have questioned the political status quo, the distribution of power, fairness and equality, and many forms of discrimination stem from forcing what was not considered worthy for political debate into the moral domain for consideration: "All struggles against oppression in the modern world begin by redefining what had previously been considered 'private', non-public and non-political issues as matters of public concern, as issues of justice, as sites of power which need discursive legitimation." This is most clearly seen within the issue
of gender. This struggle typifies the private and public split where traditionally the *male world* reflected the social realm, where he made laws, participated in political changes, and enjoyed the benefits of social recognition, and the private realm where he was master of his domain and no one outside, or within, his household could dictate what went on there. He was master of his wife and his children; his name and his traditions dominated all that resided there. This was the unquestioned realm, and was not up for public debate or legal and political regulation or interference. Benhabib states: “I want to suggest that contemporary universalist moral theory has inherited this dichotomy between autonomy and nurturance, independence and bonding, the sphere of justice and the domestic, personal realm. This becomes most visible in its attempt to restrict the moral point of view to the perspective of the ‘generalized other’.”155 Thus, “Challenging the distinction of contemporary moral and political discourse, to the extent that they privatize these issues, is central to women’s struggles which intend to make these issues ‘public’.”156 This struggle continues as we see it rooted in moral theory itself:

the definition of the moral domain, as well as the ideal of moral autonomy, not only in Kohlberg’s theory but in universalistic, contractarian theories from Hobbes to Rawls, lead to a *privatization* of women’s experience and to the exclusion of its consideration from a moral point of view.... In this tradition, the moral self is viewed as a *disembedded* and *disembodied* being. This conception of the self reflects aspects of male experience....This vision of the self, I want to claim, is incompatible with the very criteria of reversibility and universalizability advocated by defenders of universalism.157

Benhabib responds to the seriousness of the public and private split in moral theory, claiming, what is “At stake is the reflexive questioning of issues by all those affected by their foreseeable consequences and the recognition of their right to do so.”158 This fundamentally means that what is at stake is the grounding principle of discourse in which all people are allowed to participate and be free to present an issue. In regard to considering an issue a moral one versus an ethical one, assuming that her or his interpretation of ethical and moral concerns were right, and that he
or she can judge what is a moral issue is "an unnecessary and unwarranted narrowing of the domain of the moral, and does not follow from a universalist moral position. A universalist moral position of enlarged mentality provides us with a procedure for judging the validity of our judgments in this [private] context as well."  

At this point, Benhabib reconsiders the ideas raised by Gilligan which include recognizing care as essential to the moral domain and realizing the undeniable presence of relationships and the context in which people live. This does not mean giving up the notion of a generalized subject, but expanding it to include the concrete self. Benhabib's argument against Habermas, initiated by Gilligan, is that "nurture, care and responsibility [sic] of others is essential for us to develop into morally competent, self-sufficient individuals."  

Care and the complexity of human relationships are as much about morality as justice: "Such networks of dependence and the web of human affairs...are ties that bind; ties that shape our moral identities, our needs, and our visions of the good life. The autonomous self is not the disembodied self; universalist moral theory must acknowledge the deep experiences in the formation of the human being to which care and justice correspond." Thus, if Habermas' criticism of Gilligan is that her idea of care is too inclusive, Benhabib's criticism is that Habermas' description of care is too restrictive.

A Universalist Model

While offering a reconsideration of care and the private realm within the theory of discourse ethics, Benhabib recognizes a particular concern for moral theorists:

...Habermas as well as the liberal political theorist might respond that this position [of care and the private realm] invites the corrosion of rights of privacy and the total intrusion of the state into the domain of the individual. The issue, they will argue, is not that these distinctions must be reconceptualized but where the line between the private and the public will be situated as a result of this discursive reconceptualization.  

In view of the inclusion of the ideas initiated by the ethic of care, Benhabib still
maintains that universal standards outweigh the care perspective: "discourse ethics is a deontological and universalist moral theory where conceptions of the right do constrain the good. Here is where I depart from a care perspective and rejoin the universalists." She goes on to explain: "The universalizability procedure in ethics specifies a model of individual and collective deliberation and imposes constraints upon the kinds of justification leading to certain conclusions rather than specifying the moral domain itself." This can ensure that all issues are subjected to justification in order that resolutions which may reflect private concerns are not unjustly inflicted on others.

Benhabib also argues that issues of care are constrained by universal moral principles. In other words, though issues of care on the level of private issues should be considered within the moral realm, issues cannot be justified on the level of personal relationships. Moral resolutions must be justifiably based on something other than personal relationships, since, as Benhabib acknowledges, this could leave room for treating others outside one's personal relationships as secondary and means to one's own wants and needs.

In conclusion, Benhabib upholds the universalist perspective versus the care perspective by maintaining that, "Considerations of a universalist morality do set the constraints within which concerns of care should be allowed to operate and they 'trump' over them if necessary...." This means that moral justification should be decided from an impartial perspective: "group solidarity may often be achieved at the expense of moral disregard and contempt for individuals who are not group members." Thus, Benhabib still supports the universalist position and the impartial and reasoning process of discourse put forth by Habermas.

Benhabib's argument is that moral issues must be debated and separated within the process of argumentation and not before. The process of argumentation subjects conflicts to the reasoning process and determines what is and is not morally valid. Thus, at this level, we need to rely on reason and the process of universalization, i.e., rules of argumentation, to determine moral issues and their resolutions.
Interrelatedness and Enlarging the Political Domain

What then does the theory of discourse ethics look like once we include the concrete with the generalized subject? As it has already been suggested, discourse ethics does not look any different, but rather, with Benhabib's changes, it now resembles that which Habermas has set out to accomplish, i.e., a procedural theory of ethics based on justifiable essential principles of language. Thus, being true to the theory of discourse ethics and continuing its goals, Benhabib states: "...I plead for a radically proceduralist model of the public sphere, neither the scope nor the agenda of which can be limited a priori, and whose lines can be redrawn by the participants in the conversation. Habermas's concept of a public sphere embodying the principles of a discourse ethics is my model here." 168

We need now to establish what Benhabib sees as necessary in order for a moral conversation to be possible. There are two conditions for moral debate on which Benhabib focuses: first, an interrelation between individuals which can ensure understanding, and second, enlarging our idea, and the practical reality, of the moral domain.

Like Habermas' idea of reversibility, Benhabib stresses the necessity for individuals to respect and include others' perspectives. Once we include the care perspective and open moral argumentation to all issues, whether previously considered private or moral, then a widening of the idea of moral understanding is necessary. For issues to obtain full consideration, this requires a form of reversibility which requires creativity. Benhabib develops the idea of reversibility to include Hannah Arendt's idea of enlarged mentality. For Benhabib and Arendt, "judgment involves certain 'interpretive' and 'narrative' skills which, in turn, entail the capacity for exercising an 'enlarged mentality'." 169 This requires imagination in order to see others, not within the isolated moment, but rather, as part of a personal history or story. 170 In order to do this, one requires "the capacity to represent to oneself the multiplicity of viewpoints, the variety of perspectives, the layers of meaning which constitute a situation." 171 An enlarged mentality not only means the inclusion of all members concerned, and the objectification of perspectives and dilemmas, but also, as already suggested with the idea of care, a
suspension of one's own situatedness in order to imaginatively comprehend another's perspective. It is similar to the way we approach a novel, in that we require the *narrative skills* in order to understand and empathize with the other in a way that respects the other's perspective. Yet, unlike a novel, we must also respect the reality of the subject, and their truthfulness, and share in their presence as a real participant. The interrelatedness which Benhabib is describing replies to the turning point of discourse explained in the first section of this paper. Habermas recognizes the need to include relationships between human beings. Within these relationships we experience interrelational recognition, mirroring and levels of understanding. Discourse ethics continues this idea of necessary human recognition. On the level of moral debate, an enlarged mentality is the ultimate condition for mutual understanding.

Benhabib embraces Arendt's idea of a narrative, story-telling, for two reasons. First, it means that no one person can speak for another: "The only 'somebody' it [a real or living story] reveals is its hero, and it is the only medium in which the originally intangible manifestation of a uniquely distinct 'who' can become tangible....*Who* somebody is or was we can know only by knowing the story of which he is himself the hero...."\(^{172}\) In this sense, the individual can only speak for her or his self, and thus only he or she can reveal what is paramount in his or her own life. It also requires the hearer not to assume that she or he can simply represent someone else's position. Rather, it requires understanding on the level of narrative skills, which includes imagination, forms of empathy, listening and comprehension. Secondly, Arendt's idea of storytelling also entails an ongoing process. This means that the individual story is never finished, thus, one remains a participant in moral dialogue in order to represent one's continuing story. It also means that moral debate on a communal level is an ongoing process, which includes a generational process. Benhabib, like Habermas, sees this as a necessary condition of discourse ethics. All issues must always be up for debate so that every generation has the freedom to accept or reject traditional principles. This way, every accepted principle is a currently accepted principle.

As Benhabib explains, Arendt expresses this ongoing movement through the
difference between associational and agonistic space. Agonistic space is represented in our understanding of the political space, i.e., a defined space. Associational space, on the other hand, occurs "whenever and wherever...men act together in concert". On this model, public space is the space 'where freedom can appear'."\(^{173}\) Narrative falls within associational space, since it is seen as a form of expression not associated with the political realm. Arendt explains narrative space as resembling a form of free and open expression: "Limitations and boundaries exist within the realm of human affairs, but they never offer a framework that can reliably withstand the onslaught with which each new generation must insert itself."\(^{174}\) Thus, a process of moral argumentation through narration cannot be associated strictly with the political realm, for the political realm establishes limits and rules of its own in which content and procedure, as well as participants, are clearly defined and established. With the established framework of politics, the realm and its contents are not to be questioned, since once it is, the purpose of political space is rendered useless. This purpose amounts to a definite structure and stability. Narrative, or associational space, cannot offer this form of stability. But, unlike Arendt, both Benhabib and Habermas welcome the sense of individual recognition and identification, which replaces stability, that comes from a process of participation.\(^{175}\) Within a procedure of discourse ethics, stability may not come from a structured framework which applies politically established principles, but instead it offers a foundation of universally justifiable procedural rules in which decisions can be accepted by all.

Benhabib goes farther than Habermas by doing away with the political realm as an isolated venue for moral debate. Another reason Benhabib welcomes Arendt's concept of the narrative space is that, as we have already touched upon above, moral discussion is not limited to one realm, i.e., a political arena. She explains that: "Participation is not seen as an activity that is only and most truly possible in a narrowly defined political realm, but as an activity that can be realized in the social and cultural spheres as well."\(^{176}\) Public space, therefore, can be any space in which people come together to consider and debate and respond to moral issues. If moral debate welcomes all perspectives in order to be fair in judging moral issues, then it
would be counterproductive to restrict the moral domain to only certain venues and certain forms of participation. As Benhabib has argued, if we are to include and allow all concerns for the moral domain and not restrict issues prior to argumentation, then this requires that we rethink our idea of the moral domain. If the moral domain is restricted to political venues, which by the very term political venue implies the limiting of issues to only political issues, then it follows that free participation is not possible. And, if content for moral debate is not restricted, for the very reason that the separation of what is moral and what is not - or any other form of separation - assumes a prejudgment and thus a limitation of moral issues, then the idea of a moral domain where issues are raised also should not be restricted. As Benhabib correctly states: "The distinction between the 'social' and the 'political' makes no sense in the modern world...primarily because the struggle to make something public is a struggle for justice."177

To summarize, Benhabib’s vision of reciprocity requires personal storytelling on the speakers part, and narrative skills of imagination and comprehension on the hearer’s part. This description is termed an enlarged mentality, which suggests an encompassing respect of others’ perspectives in order to reach understanding. But, such an idea of human expression and acceptance requires a reconstruction of the idea of the moral domain. It requires a free and open venue for moral discussion that is not limited to any one structured domain. Understanding in the form described requires the process itself, and only itself, to define the limits of moral discourse. These limits are rules of reciprocity, participation and universality.
KOHLBERG:

Benhabib recognizes that the key to Habermas' interpretation of the moral domain lies in the rational element. In critiquing the practical portion of the theory of discourse offered by Habermas she has, 1) isolated the rational element which separated the private and public realms. This resulted in, 2) bringing together the concrete and generalized selves, and from this, 3) describing what the moral domain would then look like.

Turning back to Habermas' response to Kohlberg, Habermas is concerned that Kohlberg may be closing the gap between the private and public in the same way Benhabib does. In some ways it seems that Kohlberg stands somewhere between Habermas and Benhabib over the issue of rationality. In the end though, I believe he supports Benhabib's description of the moral domain, even offering an elaboration on the description, from the attitudes and principles of stage 6, which expands Benhabib's ideas.

To begin our discussion of Kohlberg, let us go back to Kohlberg's response over the issue of care raised by Gilligan. In Kohlberg's view, "...Gilligan's emphasis on the care and response orientation has broadened the moral domain beyond our focus on justice reasoning."178 Over time Kohlberg has developed a very sophisticated idea of benevolence, as we have briefly seen earlier, which significantly addresses the perspective of care expressed by Gilligan. In fact, this has been an important issue for Kohlberg for a long time. Even in his early work, in response to Gilligan, he agreed that the model must recognize the issue of care and that the idea of care contributes greatly to it: "the acknowledgment of an orientation of care and response usefully enlarges the moral domain."179 While Kohlberg acknowledged Gilligan's concern, he did not agree with her interpretation of the problem and thus her resolution. Rather, he maintained "that many moral situations or dilemmas do not pose a choice between one or the other orientation but, rather, call out a response which integrates both orientations."180 This is expressed in the responses to the Heinz dilemma:

for most individuals the Heinz dilemma is not a dilemma of caring and response for
Heinz' wife as opposed to a concern for justice considered vis-à-vis the druggist's property rights. Rather, the wife's right to life is often linked to a caring concern for her welfare and the druggist's right to property is often related to concerns about the welfare to persons in general and to society as a whole (i.e., to a concern about the impact of theft on the social fabric). In other words, it would appear that the concerns for justice and care are often hard to distinguish.\textsuperscript{181}

Gilligan's concern for the inclusion of an ethic of care is recognized by Kohlberg as valid in that justice must be coupled with the concern for "the connectedness of all selves in the human community."\textsuperscript{182} But, in the above response, the "subject's sense of the responsibilities of caring is supported by and integrated with his deontic judgments of justice and duty."\textsuperscript{183} As we have seen earlier, this means that there needs to be a balance between justice and benevolence. Thus, interpretations which separate care from justice are not adequate conceptions of the moral domain.

To what extent, though, does Kohlberg recognize the ethic of care? It seems that Habermas' issues with Gilligan in regards to what Benhabib identifies as a rationalist split is similar to the concern Habermas has with Kohlberg. In other words, Habermas fears that Kohlberg is inclined to make the same mistake as Gilligan does - that is, confusing underlying taken-for-granted situatedness with moral claims.

To refresh us, Habermas states that,

The presentation in this volume by Kohlberg, Boyd, and Levine demonstrates a tendency...to view "dialogue" not as a form of argumentation but as a method from group dynamics for sharpening the capacity for empathy and strengthening social ties. Where this tendency becomes dominant, however, it is to the detriment of the purely cognitive meaning of ideal role-taking as a procedure for the impartial judgment of moral states of affairs.\textsuperscript{184}

Habermas is concerned that Kohlberg has not maintained the rational structure of moral dialogue. Instead, Kohlberg is more concerned with how the participants interact, and how they go about understanding each other, than with the rationalized procedure of decision making. This interpretation by Habermas reflects his preoccupation, as Benhabib explains, with maintaining the moral versus ethical
split, whereby public issues are separated from private issues. Argumentation for Habermas is described as a rational event. Thus, any description of this domain that could possibly be interpreted as a "group dynamic structure" or a therapeutic process could interfere with the prerationalized procedure, and thus would not be an appropriate interpretation of the moral domain. In the end, as we will see, Habermas is correct in suspecting that Kohlberg moves away from the ideas of a prerationalized moral domain.

First it is necessary to back up a bit and address the rationality issue in regard to Kohlberg. It has been noted by Kohlberg and his colleagues and critics\textsuperscript{185} that Kohlberg has been criticised for his rationalist tendencies. If, on the other hand, Habermas is seen to criticize Kohlberg for not completely submitting to a rationalist framework, wherein lies these tendencies? The rationalist approach by Kohlberg is found within the structure of his moral cognitive model. The developmental stages are founded within a formalist framework. His concerns are with the type of answers people give, and not with the content of the answers themselves. People say different things, but, as Kohlberg found, they fundamentally give the same type of answer:

> Our research shows that individual development in moral reasoning is a continual differentiation of moral universalizability from more subjective or culturally specific habits and beliefs. While moral behaviors or customs seem to vary from culture to culture, underneath these variations in custom there seem to be universal kinds of judging or valuing.\textsuperscript{186}

This makes it possible for Kohlberg to empirically demonstrate that there is a formal structure to moral response and moral thought. This is the basis for the description of the moral stages.

Before we go much further, we do have to acknowledge that there are concerns with establishing a model by means of a rationalist framework. Keeping in mind what has been mentioned above in the Gilligan section and Benhabib's criticisms regarding rationalism, we have to wonder about the accuracy of a model based on hypothetical versus real dilemmas. And if moral dialogue is our goal, does
this structure, which is based on a rationalist framework, do much for advocating free moral debate? Specifically, from the discussion inspired by Gilligan and Benhabib regarding the use of hypothetical versus real dilemmas, as well as Benhabib’s reconsideration of the rationalization framework, we are led to ask how well does the model represent actual moral decision-making as a lived experience and to what degree does it adequately reflect human movement between stages? Once we begin looking at moral dilemmas in regard to the concrete and the generalized, i.e., on the level in which they occur in the everyday or actually occur, there is no reason to believe that people will morally respond at all times at their most advanced level. This is supported by our consideration of the concrete self; we saw that a rationalized person is at the same time embedded in a lifeworld of particular and concrete experiences. How these two realms play out in relation to each other needs to be examined even in a rationalized model. Lastly, according to Kohlberg’s approach to moral dialogue and the principles of dialogue themselves, as offered by Habermas, dialogue must be opened to all and requires self representation, including all those who are not stage 6 thinkers. Yet, stage 6 describes a cognitive advancement and adequacy for moral decision making. And, only a few people reach this stage. Therefore, only those that reach it could have the ability for mutual understanding. In the end, it seems there must be a choice between the structure or the dialogue, since the structure assumes that some are not capable for stage 6 dialogue.

Kohlberg can respond by admitting that, ironically, any one at stage 6 will know that moral dialogue cannot be limited. The attitude itself would not allow exclusion or make moral assumptions and allow ideas of competency to restrict moral decision making, perhaps in the same way that other stages would allow. This requires the distinction between structure and the actualization of the highest stage.

Though, as we have seen earlier, Habermas defends the use of hypothetical dilemmas versus using real dilemmas, Kohlberg separates hypothetical dilemmas when establishing the stage structures from necessarily assuming that that extends within the stage itself to describe the content of claims. Thus a rationalist
framework describes the stages in the model, but not the content within those stages. Content at the discourse level can then, without contradiction, be dealt with in a different way than the way described by the foundation of the stage itself. At stage 6 people respond to moral issues in a certain way. Yet, the content of which is not defined by that stage. For Habermas, that is not necessarily true. Specifically for stage 6 which is understood as a hypothetical stage, which he even explains to be not a natural stage, he brings together the stage and the content. However, for Kohlberg rationalism is used as a tool to recognize and establish the stages of his model. This means he can describe the process whereby we deal with real claims at a stage 6 level. This procedure, namely moral argumentation, does not need to be, by definition of the stage, a pre-rationalized domain. This follows Benhabib's argument regarding the content of the moral domain.

Kohlberg seems to recognize that moral decision making through dialogue can only be described by reflecting on the attitude and thus principles one needs in order to come to an understanding. This may very well assume that there is a sense of competency needed in order to debate well. But, staying true to the principles of discourse, this remains as a goal not as a criterion. But, like Benhabib, Kohlberg suggests that we cannot jeopardize actual dialogue as defined by discourse ethics. In regard to Benhabib's early point, this means that the procedure must be more important than the outcome. If we do not recognize this difference between discourse ethics and other theories of moral decision making then we fall into the same trap of simply offering another process in which to discover right answers. If the procedure is more important than the outcome, then to be true to the principles of discourse, as ideally as possible, means it is necessary to open up the moral domain. Thus, Kohlberg, in view of accepting the need to open the moral domain offers the model, i) a rationalist structure of cognitive moral stage development, as an educational tool towards better dialogical skills, and, ii) a clear and well defined idea of mutual dialogue at stage 6 in view of a cognitively developed attitude of respect.
Moral Dialogue

It may seem that Kohlberg rationalizes the moral domain, e.g., “The problem then is how to maintain mutual respect in the face of this failure to reach consensus. It is at this point that the rational, autonomous moral agent must enter the thought experiment of the moral point of view.”188 No doubt this description allows us to assume that rationalized claims recognized by rational agents are reasoned through in order to come to a consensus. This may seem like he is limiting the agents and the domain in the way Habermas expresses. But, rather, Kohlberg sees Stage 6 moral reasoning in another way, clearly based on two fundamental visions of what the domain and moral resolution should look like. These visions follow Benhabib’s additions to discourse ethics: 1) Kohlberg is concerned with procedure and not answers to dialogue, and 2) he opens the domain by recognizing agents’ particular situations, subjective perspectives, and individual and cultural experiences. These two points, especially the second, bring him closer to Benhabib’s version of discourse ethics and her idea of the moral domain.

As far as the first vision is concerned, Kohlberg stresses that fundamentally we must maintain the ideal that the procedure itself is more important than the resolutions. Like Benhabib, the principles of Stage 6 focus on what is necessary for understanding and moral dialogue. These principles are procedural and not goal oriented in the way of focusing on moral decisions. It is only by means of maintaining respectful dialogue that a fair consensus can result.

This is the attitude of recognizing the necessity of entering into dialogue in the face of disagreement about what is right. This disposition toward entering dialogue is recognized as necessary because it is only through dialogue that one can actualize the principle of equal respect for persons. That is, dialogue is necessitated as that mode of engaging others that aims at reaching mutually acceptable agreement. It functions then as an interactive expression of the principle of respect for persons, one that is a necessary initial step in assuming the moral point of view and is normatively congruent with the formal characteristics of the moral point of view. What we mean by dialogue is the process by which each person offers his/her best reasons for choices and listens to others’ reasons in the mutual endeavor of solving the problem.189
The attitude and principles of Stage 6, then, reflect the principle requirements for dialogue. Respect is active, in that it is something we do in our work, work as in dialogue, for mutual understanding. We will see more of his ideas of dialogue as we look at the second point. What we will find is a description of respect which reflects dialogue in particular, and not consensus.

The second point refers to Kohlberg's description of the attitude and principles of moral dialogue as a non-rationalist description of what is necessary for fair decision making. This is similar to Benhabib's description of the moral domain, where she does not separate moral issues from ethical ones before argumentation. As we will find, Kohlberg agrees with Benhabib as to what is necessary for fair moral debate, and contributes to her ideas by giving clear and applicable descriptions as to what moral debate requires and thus what it would look like.

As we have seen earlier, respect can be expressed by the attitudes, principles, of benevolence and justice. In turn, these are recognized through the operations of sympathy, ideal reciprocal role-taking, and universalizability.

We claim that Stage 6 reasoning clearly coordinates or integrates the recognition of individual rights with considerations of benevolence. In this reasoning, respect for the equal dignity of persons requires an active sympathy for each unique individual and a coordination of this operation of sympathy with ideal reciprocal role-taking and universalizability.190

By means of Kohlberg's explanation of these operations we will explore his idea of stage 6 moral cognitive reasoning, at the same time as elaborating on Benhabib's ideas of what is necessary for moral debate. We will also rely on the help of Dwight Boyd, who, as a colleague of Kohlberg's and a co-author of "The Return of Stage 6" helps to illuminate Kohlberg's ideas.

Sympathy has been established as the operation of benevolence. It is an operation which describes the relation between people, or the attitude one needs towards the other. As we have seen earlier, it requires both individual and general sympathy between people. Kohlberg continues to describe this operation:
What characterizes the special quality of the transformation of empathy into sympathy at Stage 6 is first the awareness that what the others' interests are cannot be assumed. This is the case because an awareness of the self-determining nature of the other precludes assuming the validity of one's own conception of the actual interests of other persons a priori. With the idea of "general facts of the human condition within which persons exist and interact" we mean that sympathy at this stage understands that one's perception of persons and their construction of interests in terms of life plans are not independent of contingencies such as psychological, social, structural, historical, and cultural factors.191

Here, Kohlberg states that individual uniqueness must be appreciated. This means that one already brings to the table the understanding that there are crucial elements of the other that one does not know: "Thus it entails an active understanding of the other in terms of his or her own interpretation of personal uniqueness."192 On the other hand, there are other fundamental harmonies that bring us all together and must be respected. With benevolence we begin with a description of what one brings to the table; this being the attitude towards others' uniqueness, and the relationship one shares with others as humans.

In regards to an other's uniqueness, it requires something like a readiness; a way, sympathetically, to be open and connected to the other before any moral debate even begins. This idea is analogous to Benhabib's idea of care as something we need to bring originally to any moral debate and resolution. There needs to be a recognition that the other is important. But Kohlberg, elaborating further on this idea of care, reveals a passive notion of concern for the other, in which he gives us a specific attitude for its success. Sympathy requires an openness by one to allow the other to represent her or his self the way they choose. It also respects the contextual situation which he assumes is included at this stage as existing in the discussion. It is the uniqueness of the context, the "psychological, social, structural, historical, and cultural factors" that is recognized at the level of dialogue, and, as Kohlberg maintains which, "are not independent" of "one's perception of persons and their construction of interests". This cannot be assumed and must be represented and expressed by the individual his or her self. Benhabib shows the concern for care to include the opening of the moral domain. Kohlberg's idea of care explains what it
would look like, as the requirement of both individual and general sympathetic concern for the other.

In addition, which I will not elaborate on, the idea of sympathy given by Kohlberg has a cognitive evolution, - the idea of sympathy can be seen at lower levels, and it is only at stage 6 that it reaches an ideal, principled form.

Because benevolence in the form of sympathy sets the stage, so to speak, for interrelations, it comes before all other operations. Kohlberg explains: "as a mode of interaction between self and others that manifests a Stage 6 conception of respect for persons, benevolence is logically and psychologically prior to what we are calling justice."193

Once we can establish an openness to each other, and thus a space where one is free to express one's self, we need a way to balance the ideas.

Seeing all sides of a subject and weighting [sic] all possibilities is clearly required in any mature form of our constructive activity of "making sense" of our social environment - and especially the conflicts within it arising from the different points of view inherent in different persons - in service of balancing the claims arising from the lives, interests, and welfare of both others and self.194

This requires, on the one hand, even a rational consideration of possibilities, yet at the same time it includes opening up to different points of view and recognizing the uniqueness of individuals and their ideas which is part of their moral claims. Boyd points out it is here where we have to work through the different claims and it is here where it is crucial that we put our assumptions aside. This is the point of benevolence, where one opens one's self up to the other's uniqueness and their shared humanness. It is also the point of "weighting [sic] all possibilities". This means the active working out of conflicts and possibilities. This active part is ideally dialogue, or more adequately, ideal reciprocal role-taking (since it can include situations where dialogue is not possible).

How can we conceive of the idea of justice in terms of ideal reciprocal role-taking? The first thing we must be aware of, in keeping with Habermas and Benhabib, is that morality, at this level, has to do with dialogue. Justice, in regards
to fairness, has to do with working through moral conflicts together. Boyd explains:

morality...is our way of balancing the claims arising from the interaction of lives, interests, and welfare. But these very claims are not given, not static; they emerge from the real interaction of different but connected persons. And they always necessarily have points of view built into them. Thus reasons for action aimed at balance are always essentially contestable, and can only be aimed at mutual acceptance....Moral persons "are not thought of as independent, isolated 'rule followers,' with greater or lesser direct access to moral truth, but rather as rule-followers-in-relation who must construct and continually reconstruct through public dialogue the perspective from which rules governing their interaction have validity."195

The activity here is dialogue where moral claims are always up for debate.

What is necessary for this dialogue is explained with the operation of ideal reciprocal role-taking. Each person works to understand the perspective of the other and thus the balancing of claims. What is required for this is an operation within justice that allows for this form of understanding. Therefore, ideal reciprocal role-taking should be understood as a procedure whereby competing claims can be understood and dealt with while maintaining the individuality and uniqueness of these claims. Boyd explains, that justice,

is not simply an empty abstract formula requiring mechanistic application, but rather it identifies substantive ways of conceiving persons and their interactions in situations of competing interests. It is a perspective which does not dictate certain, final answers but rather structures a framework for a process of resolving conflicts (or potential conflicts) in a way acceptable to all parties.196

Boyd goes on to explain that this idea of justice "consists primarily of a way of regarding persons, which in turn entails a way of treating them according to certain principles of action." Ideal reciprocal role-taking attempts to do just that. It holds the basic principle of respect while offering a prescriptive element towards conflict resolution. Regarding justice, this resolution means balancing interests and claims for a fair solution. In this way, justice can be recognized as being concerned with individual claims and concerns and trying to find a balance between
individual interests while maintaining respect.

More specifically, this ability, or action, of reciprocal role-taking is described by Boyd as a form of objectivity. This kind of objectivity is directly connected to dialogue as understanding. As Boyd states, "objectivity is primarily connected to inquiry, not answers." Objectivity is required in the process of understanding between people, not in the results. Boyd goes on to explain that,

"...Nagel identifies objectivity as a "method of understanding" and notes that only derivatively do we call objective the truths that can be arrived at in this way. What we should be focusing on is not some kind of results or products of understanding, for example, as determined by rigid rules deductively applied, but rather the way or manner in which they are pursued." 

Thus, objectivity refers to an objective manner for argumentation.

As we have established: "the conception of morality underlying Kohlberg's theory is grounded in a view of social selves correlative defined and then is elaborated as persons trying to "make sense" of their interaction, through their shared endeavor of striving to balance the claims that the lives, interests, and welfare of each make on each other." This means that, "Objectivity in morality is a method of understanding that simply cannot, in the end, be engaged in by one person alone. On the contrary, it entails two people (or more) aiming at reflexive detaching or decentering together, with respect to each other and self, often at the same time." 

Yet, when we think of objectivity we immediately have preconceived notions of an disattachment of subject with her or his self, with the other to his or her sense of subjectivity, and with ideas from their context. Boyd and Kohlberg redefine and reestablish our ideas of objectivity. Boyd explains that the typical description of objectivity, "is not any direct reference to the lives, interests, and welfare of persons involved, but rather an appeal to whatever set of abstract role expectations or rules of conduct constitute a particular social system." This, Boyd explains, describes a conventional objectivity. But from the perspective of stage 6 objectivity, "this view of objectivity is at fault for leaving the subjectivity of persons
both that of the moral judge and that of the others whose claims need considering out of the picture...." The participant at stage 6 is aware of his or her subjective position as something one cannot deny. At the same time he or she assumes that all the others who are participating and taking the objective position have unique subjective perspectives, "particularities of real persons and their interaction" of which they too are aware. We should add that this also reveals that we can think of objectivity like benevolence in the sense that it too has a cognitive evolution.

Stage 6 objectivity entails a "reflexive detaching" which basically enables one to think outside his or her self at the same time as reflecting on the ideas and perspective. This includes two actions. The first is described as follows:

Mutual decentering hinges directly on this [sympathy] disposition to try to see and feel as the other sees and feels within his or her lived context and understanding of that context....What it requires, as a character expression of moral objectivity, is the enduring disposition to seek an integration of one’s understanding and affective appreciation of what the other is really like and what the other is really feeling, as much as possible independent from both one’s own phenomenological situation and one’s preconceived understanding and appreciation of the other.

Here, the subject reflects in regard to the other, i.e., the other’s perspective. This requires sympathy with the other to allow for the other to represent his or her self, and for the subject to reflect on the other’s perspective without relying on preconceived notions. As we have seen earlier, Benhabib refers to this idea as entailing the “capacity to represent to oneself the multiplicity of viewpoints.” As she explains, this requires particular narrative skills. This idea is analogous to Boyd’s description of objectivity. In both cases, understanding demands the attitude of respect for others in the form of detachment from bias.

The second, is realizing that while one detaches from his or her own preconceived notions of the other, and opens ones self up to the other’s self representation,

objectivity must always be tied, in some way, to an intentional subject. It is something that one
This means that there always must be a subject that is present in the act of objectivity. Even an objective point of view will have a subjective element, which can be challenged. It also means that this subjective view is unique in itself and can be useful as a perspective. Mostly, what we need to recognize for dialogue is that there can be no objective perspective without a subject and a subjective perspective. Thus, if this is acknowledged, this attitude can be included as part of the debate. This makes the idea of a pre-rationalized domain problematic before the process of understanding, since it does not allow for this essential perspective. If we recognize that an objective view has subjective elements, the only way to deal with its influence and rationalize from it is to accept it and include its influence within argumentation. This supports Benhabib’s concern with the domain.

What follows with this idea of understanding the other is the ability to imagine the other’s point of view. Benhabib includes the need for imagination in her idea of an enlarged mentality which requires the necessity to understand another’s perspective with the use of narrative skills. This includes seeing others within a context and history, to perceive many differing perspectives, and even different ideas not readily shown within a situation. Kohlberg and Boyd explain this idea of imagination as when “the person imaginatively takes the role of each other agent in the situation and considers the claims they would make from their own points of view.” Boyd adds to Benhabib’s idea of imagination a strong element of objectivity and, he explains,

any developed form of rational appraisal such as stage six will necessarily be imbued with strong powers of imagination. What I mean here can best be expressed with the words of the Canadian novelist Robertson Davies (via the Oxford lawyer, Pargetter, speaking to Davey
Staunton): “When I say imagination I mean capacity to see all sides of a subject and weight [sic] all possibilities; I don’t mean fantasy and poetry and moonshine; imagination is a good horse to carry you over the ground, not a flying carpet to set you free from probability” (Davies 1972, p. 227).210

Lastly, with the idea of objectivity in mind which includes imagination, Boyd stresses the importance for participants to be responsible. He explains that,

Responsibility is called for in at least two senses. First, one needs to be responsible in the sense of being ready and willing to respond to the other. It is not enough merely to be sympathetic and humble; unless one is also prepared and inclined to respond to others’ differing perspectives and judgments, one is simply not respecting them as equals in the performative engagement. Second, and in conjunction with this first sense, one also needs to be responsible in the sense of doing everything one can to ensure that the material preconditions of dialogue are in place and maintained adequately.211

Responsibility adds something to objectivity and dialogue beyond what is given by the idea of sympathy. Responsibility adds to the idea of being open to the other’s experiences since it requires that the participant assume the importance of the other’s perspective and what the other is expressing. This is coupled with the respect for and upholding the overall ideas held within the principle of justice as understood as the operation of ideal reciprocal role-taking in the form of mutual argumentation. This dual use of responsibility reflects the description of subjectivity, imagination and even sympathy shown by Kohlberg and Boyd. It reveals the importance to look beyond one’s self and discover other perspectives and ideas, while at the same time it constrains these notions in the face of dialogue and its rules in the face of consensus. This brings together the ideas offered by both Benhabib and Habermas, and how their ideas cross over each other’s and thus are complimentary, to show that the idea of care opens up the moral domain while at the same time rationalism structures and gives direction towards an outcome.

So far we have explained, at the level of debate individuals come together to understand and resolve moral dilemmas. Though I have shown that the purpose is
to resolve moral dilemmas, and there is no question that that is the point of stage 6 and the model, Kohlberg and Boyd present moral reasoning differently than Habermas does. Habermas is occupied with separating the moral from the ethical. Kohlberg and Boyd are not concerned with this separation in the same way. They do not dwell on the necessity of separating ethical from moral because, I want to argue, the separation, like Benhabib explains, is something that should happen, and should naturally happen, at the level of and within discourse itself. If discourse follows the description outlined by Kohlberg and Boyd, there should be an eventual separation between those issues that are moral and those that are issues of the good life and thus particular to individuals or groups. This procedure is set out as follows:

The intent to balance interests enters moral problems seeking a mutually acceptable resolution by attending to the interests of actual persons directly involved in the problematic situation or affected substantively by its resolution. The intent to balance interests is facilitated through the mental operation of ideal reciprocal role-taking. This process involves first taking the perspectives of the other in the problematic situation in question. The perspective of others are taken in order to understand their interests, as expressed in their claims about their interests, and as perceived through a construction of their own autonomous views of the good. Second, the intent to balance interests through ideal reciprocal role-taking involves the assumption that relevant others are attempting to do the same thing. With the understanding of the mutuality of this endeavor, the third step involves temporarily separating the actual identities of persons from their claims and interests in order to assess what would be the relative merits of those claims and interests from the point of view of any person implicated in the dilemma.212

Here we see in the three steps that people are given the opportunity to express their claims without restrictions. At the same time, others attempt to understand the perspective with the use of sympathetic understanding and objectivity in the way expressed above. With this idea of objectivity, people work together towards balancing the interests and claims. This balancing includes the vital aspect of reasoning and understanding as laid out by Habermas. This process is done mutually, in that it cannot be done alone and that it can be assumed that all who are participating have the same attitude towards working together for understanding
and consensus. In this way, respect for the principles of argumentation require the conditions for understanding directed towards consensus. This means going and getting beyond the particular and contextual. In the third step, then, claims are understood from the universal perspective. Kohlberg explains:

From our perspective, universalizability is an operation that comes into play once a reversible choice has been constructed with the operations of sympathy and ideal reciprocal role-taking. It is an operation that imaginatively validates the reversible choice in the context of two interrelated dimensions. First, one's description of the situation being judged is projected into the array of an imagined universe of all situations that could be considered similar and of all persons who could be moral actors in these situations. Second, with this universe in mind one commits oneself to consistently accepting the choice in each instance of such circumstances....[In regards to this second point], when one seeks to balance sympathetically determined interests through ideal reciprocal role-taking, part of the process, as we have indicated above, is a momentary separation of personal identities from particular interests. The aim is to find a solution that is ideally acceptable from the point of view of anyone. Thus, the operation of universalizability also aims at consistency in that one is willing to say that others should judge and act in a way according to the principle that grounds one's own solution to this particular moral problem.213

This final stage means, like for Benhabib, that right trumps care. Here, that means that as a moral quest, resolutions must be understood as universal claims in the end, in that they do not reflect one's own, or a group's, idea of the good life. It also means that this process of mutual understanding is based within universal principles that require that all who engage in such dialogue adhere to the rules and principles underlying the procedure in order to have a fair resolution. Thus, universalizability ends our process leading to consensus by responding to the need of consistency.

Within these three steps, we see the coming together of care and justice in the form of sympathy, ideal-reciprocal role-taking, and finally universalizability. Like Benhabib, Kohlberg shows that the rationalization of moral claims can and should be made at the level of dialogue. There is no doubt that to a large degree participants must be willing to participate in moral dialogue and that they require, ideally, a
certain attitude for moral argumentation. But, what we recognize in a practical forum, is that, like Benhabib expresses, one cannot be excluded from moral debate because one cannot or does not initially rationalize, i.e., separate or distinguish between, private and universal issues. It is also revealed through the ideas expressed by Kohlberg and Boyd that it is not required or realistic to expect such rationalization prior to argumentation, since subjectivity and context are a recognized part of moral debate. And, as both seem to make clear, one begs the question by rationalizing prior to argumentation.
PART IV

SUMMARY AND CONCLUSION:

Kohlberg presents enough evidence to show that Habermas is correct in recognizing that Kohlberg abandons rationality in the moral domain in the way presented by Habermas. On the other hand, Kohlberg offers an elaborate description which is found to defend the need to leave the moral domain as an arena to sort through different claims, and, as a rationalization process, to allow reason and the method of understanding, supported by the attitudes and principles which define stage 6, to resolve moral conflicts.

It is now necessary to show what our theory looks like in view of discourse ethics, and the contributions of the three theorists.

Habermas, as we have seen, presents the theory of discourse as a procedure for moral decision making by means of rules of argumentation stemming from prereflective and undeniable principles of discursive understanding. From here, Habermas moves to a representation of moral cognitive thought in the form of a model, with the hope of satisfying the practical gap in regards to the use and understanding of moral argumentation. This practical step accomplishes two things: 1) First, it satisfies the need to support the theory of dialogue beyond philosophical inquiry and add the element of experiential support of discourse. A psychological model based on studies which agree with the theory is an important step in its justification and understanding. 2) It also is a way to apply the theory, in the form of an educational model. Therefore, we are no longer restricted by theory. Instead, moral discourse can be seen as part of the tools and goal to actualize changes in moral thought and decisions. Habermas turns to Kohlberg’s model, where stage 6 is seen as the highest stage of a hierarchical model of moral advancement. Stage 6 is the principled stage where by means of a procedure of mutual argumentation, and its principles underlying it, people decide on moral principles through mutual decision making and consensus. The procedure of moral discourse and its principles underlying the procedure, by means of a process of reasoning, questions our moral claims and justifies or replaces them. This is cognitively done at the stage
6 level, the highest stage of moral reasoning. It is here where ideas of the good life are separated from moral issues so that moral decisions do not reflect individual or group ideas of the good life. Thus, moral decisions should be universal and rational. Habermas sees stage 6 reasoning as dealing with already cognitively separated moral claims from ethical ones, so that moral argumentation deals with the difficult task of deciding between moral claims that come into conflict.

Habermas and Benhabib: The Discourse Ethics Distinction

Both Habermas and Benhabib support a theory of discourse based on the fundamental principles of argumentation. Habermas' analysis of language and the validity of moral claims yields a strong theory which gives discourse ethics a firm foundation. It is only when we move into the practical application of the process of argumentation and the description of what is required for such a process that we begin to see differences in Habermas and Benhabib's versions of discourse ethics.

First, Benhabib questions the rationality framework established by Habermas, which supports his critique of modernity. This rationalist approach leads to the abstraction of the generalized human, and thus to splitting the human into the general and concrete self, thereby establishing the public realm as the realm for moral debate. In this way, the universalization of moral concerns and resolutions is established by separating issues into public versus private.

Benhabib dispels the presumed need for a rationalist model. By arguing that there is no reason to assume a split between the concrete and general human, since the relationship between the two is unclear and they have been shown to be entangled with each other, she shows that the need for a split between the private and the public is unfounded. This leads to rethinking the idea of a political realm as a formal and sanctioned arena for moral debate. If we let go of the rationalist conception of a political realm, then our idea of the venues in which we can discuss and resolve moral issues is broadened. No longer are we restricted simply to a limited venue with a preconceived idea of who can participate. In this way, she opens up the moral domain, and describes it as requiring special skills to deal with subjective perspectives and contextualized claims. In the end, we hope to have
moral resolutions which are universal in nature by means of a fair process. In many ways Habermas agrees with Benhabib’s ideas regarding participation. Fundamentally, he upholds the necessity for participation unrestricted by generated principles outside of the preconditional principles of discourse: “only moral rules that could win the assent of all affected as participants in a practical discourse can claim validity.”215 Yet, Habermas does not want to get rid of the liberal model or rights. We see this in “Remarks on Discourse Ethics”, where he questions the relationship between negative and positive duties in the liberal tradition as it relates to the notion of rights, but does not examine the liberal rights model itself.216 As well, in his article “Struggles for Recognition in the Democratic Constitutional State”, he supports the fundamental use of the liberal model, while making only some changes to it: “All that is required is the consistent actualization of the system of rights.”217 Thus, in his critique on modernity, he goes out of his way not to blame or deconstruct the rationalization process itself, but rather he focuses on a secondary step, application, unconnected with the decision-making process.

Once we begin to scrutinize the liberal rights model in regards to Benhabib’s arguments, we realize that there is no justification to ground discourse ethics or moral debate within a liberal rights agenda. Benhabib offers a new idea of a political process, which - if we follow the rules and procedure of discourse in light of a cognitive and non-rationalist model - is not consistent with the liberal rights tradition. Her idea is more utopian in nature. She holds that our application of discourse ethics must incorporate individual self-representation and participation of all affected parties in moral matters. This is by no means present in the liberal rights model which sees representation through a series of hierarchical levels from the highest principle-generating level to judicial application, to private representation by formal legal means. Habermas offers a political agenda which in essence continues this liberal rights political environment, but which does not attempt to resolve the fundamental problems associated with this model.

We also realize that Benhabib and Habermas’ versions are not that different. Habermas offers a stable philosophical analysis of language and thus principles for discourse ethics. Benhabib offers us a more viable version of discourse ethics that is
truer to actual experience and is intuitively more acceptable. On the other hand, Habermas is correct in offering an educational model as a practical addition to discourse ethics. Benhabib's broadening our ideas of the political realms suggests the need for an educational program which would encourage moral debate and conflict resolution.

Kohlberg, as we have seen earlier, presents a cognitive developmental moral model founded on a rationalist perspective of separating real from hypothetical dilemmas. Stage 6 is the highest stage of moral reasoning, understood as the principled stage. This means that individuals follow universal principles, which include procedural principles. Kohlberg has given us a very elaborate and clear description of the attitude and principles of stage 6. This description outlines the necessary attitude participants should have for a successful process of argumentation, and it also describes what is principally required for moral dialogue. But, Kohlberg's description of the stages separates the idea of a moral stage, as a type of stage, from how that stage would actually perform. There is no reason to believe that Kohlberg would want to restrict all moral content, even at the principled level. Relying on hypothetically constructed stages allows us to reveal the most ideal or adequate moral reasoning at each stage. It does not reveal what content must look like at that stage - only how content would be dealt with. His description of stage 6 shows that such a separation of moral from ethical content at this stage is not necessary for the reasons mentioned earlier, i.e., the need for a particular attitude may restrict the participants from the beginning, and it is through argumentation that the separation between moral issues, universal claims, and issues of the good life can be made. As we have seen, Kohlberg contributes greatly to Benhabib's description of the moral domain. The order of operations in regards to respect, i.e., benevolence, ideal reciprocal role-taking, and universalizability, opens the domain while at the same time encourages universal moral resolutions. Thus, "rational", if that even is appropriate term to use, really is more of a description of the attitude one needs at stage 6 for mutual understanding, and therefore we can begin by defining this term as the attitude of respect interrelationally.

Now that we have seen that the moral domain does not depend on
prerationalized content and we have added a very elaborate description of stage 6 principles by Benhabib and Kohlberg, we should not conclude that this description replaces Habermas’ discourse ethics, rules of argumentation, or principles of moral understanding. Habermas supplies a crucial aspect to stage 6. He presents moral argumentation, dialogue, with a philosophical justification. With this, he explains understanding through communication, and gives us the analysis to recognize the validity of moral claims. Out of this analysis of language and validity, he gives us rules of argumentation which are necessary for moral understanding and mutual dialogue. These rules are represented in principles and are shown to be justified through performative contradiction. Thus, at stage 6 we are given the foundation for seeing the importance and procedure of moral argumentation. Still, Habermas’ ideas are not simply replaced by a better description of dialogue. The description offered by Benhabib and Kohlberg includes the observance of the rules of argumentation and the principles of mutual understanding, not only because they are seen, earlier, to be similar to Kohlberg’s principles of stage 6, but because of their own special contribution. Within Kohlberg’s description of stage 6, we must remember that Habermas’ reasoning process and the rules of argumentation are still in place. Habermas shows us what argumentation must look like - what are the necessary principles and rules for mutual decision-making, i.e., the procedure. On the other hand, Kohlberg, and Benhabib, express how we are to get there. In other words, they give us the description of what these principles and rules entail. They try to bring us as close as possible to discover and express what is needed to fulfil the requirements of the rules of argumentation. Thus, for example, in order for understanding in the way Habermas expresses it, an objective perspective is required in the way Kohlberg explains. In order for the rule that “Every subject with the competence to speak and act is allowed to take part in a discourse”218 we have to open the domain up in the way Benhabib argues. Thus, Kohlberg and Benhabib work well with Habermas’ theory of discourse.

Lastly, when we look at discourse ethics and the moral model as an educational tool, it presents a means to work towards a moral dialogue that adheres to the principles of moral argumentation. This includes moving students through
the stages with the goal of stage 6 reasoning. When we look at the theory and model as a political tool, with the help of the ideas presented by Benhabib, stage 6 dialogue requires individual and group representation and participation, and thus is always moving towards the ideal moral dialogue as individual self-representation. Either way, with the contributions of these theorists we can present a moral theory of discourse which can be practically applied.
Bibliography


APPENDIX 1

The *produce* level consists of three main principles:

(1.1) No speaker may contradict himself.
(1.2) Every speaker who applies predicate $F$ to object $A$ must be prepared to apply $F$ to all other objects resembling $A$ in all relevant aspects.
(1.3) Different speakers may not use the same expression with different meanings.$^{219}$

The principles of the *procedural* level are:

(2.1) Every speaker may assert only what he really believes.
(2.2) A person who disputes a proposition or norm not under discussion must provide a reason for wanting to do so.$^{220}$
APPENDIX 2

The Heinz Dilemma:

Heinz' wife is dying. A druggist has developed a drug that would save her life. The price of the drug is too high for Heinz to pay, and the druggist refuses to give the drug to Heinz without him paying the price. Should Heinz steal the drug?
Endnotes and References


2. Ibid.


4. Ibid., p. 49.


6. Habermas, “Morality and Ethical Life: Does Hegel’s Critique of Kant Apply to Discourse Ethics?”, p. 199.

7. Ibid.

8. Ibid., p. 195.


11. Ibid., p. 289.

12. Ibid., p. 290.

13. Ibid., p. 291.


15. Ibid., p. 290.


18. Ibid., p. 291.

19. Ibid. p. 296.

20. Ibid., pp. 296-7.

21. Ibid., p. 298.

22. Ibid.

24. Habermas reluctantly uses the term “truth” statements to express descriptive statements, or statements reflecting the objective world. He recognizes that in this way it is a limitation of the meaning of the term. Thus, he is clear to separate the use of “truth” in regards to representing something in the objective world, and validity as the rationalization (rationality) or justification of a speech act. See Habermas, “Discourse Ethics: Notes on a Program of Philosophical Justification”, p. 56.


26. Ibid., p. 54.


28. Seyla Benhabib explains: “Truthfulness...cannot be thematized in discourses alone. Although argumentations via which we question the authenticity and sincerity of a person’s utterances play a great role in establishing whether people mean what they say, it is ultimately the relationship between what is said and what is done which establishes truthfulness. Truth claims and claims to normative validity are more strictly the subject matters of discourse.” Seyla Benhabib, *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory* (New York: Columbia University Press, 1986), p. 284. Therefore, we can refer to the validity of truthfulness in the weak sense, but for this reason concentration is placed on explicating the validity of truth and normative claims.


33. Habermas, "Discourse Ethics: Notes on a Program of Philosophical Justification", p. 68.

34. Ibid., p. 67.

35. See Ibid., pp. 86-91.

36. Ibid., p. 87.

37. Ibid., p. 89.

38. Ibid.

39. Ibid., p. 91.

40. Ibid., p. 93.

41. Ibid., p. 66.

42. Ibid., pp. 92-3.

43. Ibid., p. 93.

44. Ibid.

45. Ibid., p. 94.
46. These rules of argumentation are approximating rules which means that they cannot be strict rules of argumentation. Strict rules follow the logical structure of argumentation, but, as shown with the addition of empirical pragmatics, real discourse and a real context cannot fully adhere to strict rules of argumentation. For example, not all participants could possibly be present who would ultimately be affected by a decision. This is obvious, especially at the generational level. Thus, applied rules of discourse can only be approximations of ideal rules of argumentation. See Ibid., pp. 91-2.

47. Ibid., p. 82.

48. See Ibid., p. 85.

49. See Ibid., pp. 89-91.

50. Ibid., p. 95.


52. Ibid., p. 343.

53. Ibid., p. 342.


56. Ibid.

57. Ibid.
58. Ibid., p. 346.

59. Ibid., p. 345.

60. See Ibid., pp. 344-7.

61. Ibid., pp. 346-7.

62. Ibid., pp. 350-1.

63. Ibid., p. 352.

64. Ibid., p. 351.

65. Ibid., p. 356. For elaboration see Ibid., pp. 355-357.

66. Ibid., p. 357.

67. Ibid., p. 364.

68. Ibid.

69. Ibid., p. 359.


71. Ibid., pp. 116-7.

73. See Ibid., pp. 23-5.

74. Ibid., p. 15.


76. Ibid., p. 16.

77. This version of the model is taken from Habermas’ “Moral Consciousness and Communicative Action”, which in turn was derived from Kohlberg’s model in, Essays on Moral Development Volume I. I am using Habermas’ version because it is more concise.

In addition, Habermas has left out the content portion of stage 2 below. Adding from Kohlberg’s stages of moral judgment, it should read: “Right is serving one’s own or other’s needs and making fair deals in terms of concrete exchange.”


80. Ibid., p. 194.

81. See Ibid, p. 120.

82. See Ibid., p. 120 and Habermas, “Moral Consciousness and Communicative Action”, p. 127.

83. See Kohlberg, Essays on Moral Development Volume1, p. 122.


86. See Ibid., pp. 136-9.

87. Ibid., p. 137.


96. See Ibid., pp. 304-319.
97. Ibid., p. 307.


100. Ibid., p. 152.

101. Ibid., p. 165.

102. Ibid., p. 166.

103. Ibid.

104. Ibid., p. 158.

105. Ibid., p. 157.

106. Ibid.

107. Ibid., p.168


109. Ibid., p.169.

110. Ibid., pp. 166-7.
111. Ibid., p. 170.


115. Ibid.


117. Ibid., p. 165.

118. Habermas, “Justice and Solidarity”, pp. 244-5.

119. Ibid., p. 234.

120. Ibid.

121. See Kohlberg et al., The Return of Stage 6, pp. 173-4.

122. Kohlberg argues that his newer studies do not show a discrepancy between men and women. He addresses this in his response to Gilligan, in “Synopsis and Detailed Replies to Critics” in Essays on Moral Development Volume II, pp. 338-61;
he explains that more current studies rarely show a discrepancy, when there is a discrepancy. However, it is almost always in favour of males (see pp. 346-7). Discrepancies are also always in favour of western societies and members of higher income classes. Therefore, I do not think Kohlberg's defense offers strong enough reasons to completely dismiss Gilligan's argument and research. Her point still stands, that we must consider what discrepancies mean. Thus, we can, consider Gilligan's contribution for rethinking moral inconsistencies and social differences.


125. Ibid., 169.

126. Ibid.

127. Ibid., p.171.

128. Ibid., p.100.

129. Ibid.

130. Kohlberg points to Charles Levine who addresses this issue and reconsiders Kohlberg’s stage model, while still maintaining that Kohlberg’s model is a useful


132. Ibid., p. 177.

133. See Gilligan, In a Different Voice, pp. 140-1.


135. Ibid., p. 179.

136. Ibid., p. 181.

137. Ibid., p. 179.

138. Ibid.


141. Benhabib, Critique, Norm, and Utopia, p. 337.

142. Benhabib is not explicitly referring to the distinction between application and the process of moral decision-making, in response to Habermas’ distinction. However, in light of her argument, she would hold that such distinction should not be made in the way that Habermas suggests, as it stems from a rationalist separation.
143. Benhabib, *Situating the Self*, p. 163.

144. Ibid., pp. 162-3.

145. See Ibid., p. 162.

146. Ibid., p. 10.

147. Ibid., p. 51.

148. Ibid., p. 49.

149. Ibid., p. 50.

150. Ibid.


152. Ibid., p. 323.


155. Ibid., p. 158.

156. Ibid., p. 108.

157. Ibid., p. 152.
158. Ibid., p. 95.

159. Ibid., p. 186.

160. Ibid., pp. 188-9.

161. Ibid., p. 189.

162. Ibid., p. 111.

163. Ibid., p. 187.

164. Ibid., p. 185.


166. Ibid., p. 187.

167. Ibid., p. 188.

168. Ibid., p. 12.

169. Ibid., p. 54.


171. Benhabib, Situating the Self, p. 53.


175. See Benhabib, *Situating the Self*, pp. 90-5.

176. Ibid., p. 104.

177. Ibid., p. 94.


179. Ibid., p. 340.

180. Ibid., p. 352.

181. Ibid., p. 353.

182. Ibid., p. 355.

183. Ibid.


189. Ibid., p. 160.

190. Ibid., p. 176.

191. Ibid., p. 166.

192. Ibid., p. 170.


197. Ibid., p. 195.

199. Ibid., p. 116.

200. Ibid., p. 117.

201. Ibid., pp. 117-8.

202. Ibid., p. 110.

203. Ibid., p. 111.

204. Ibid.


206. Ibid., p. 118.


211. Ibid., p. 120.


214. It is important to note, that the order of what comes first, the rationalization framework or the split between the concrete and general or the split between the private and public is not clear, but which certainly raises interesting questions reserved for another time.


216. See Ibid., p. 68.


218. Habermas, "Discourse Ethics: Notes on a Program of Philosophical Justification", p. 89.

219. Ibid., p. 87.

220. Ibid., p. 88.