Ethics in Context

The Art of Dealing with Serious Questions

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We are not concerned to know what goodness is but how to become good men, since otherwise our enquiry would be useless.

Aristotle, *Nicomachean Ethics*, II, 1103b 27–9

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Introduction

From a Critique to a New Approach: Serious Questions

Interest in a book on ethics can be taken for granted today. That makes it all the more important to be clear from the outset about the nature of this interest. Normally, what is expected from a book is information. But is that still the case when the book is about ethics?

In posing this question one realizes that the word *interest*, which in any other subject is used without a second thought, takes on a special meaning in the case of ethics. Whereas one's interest in other subjects can be satisfied by information, so that *interest* means the same as curiosity, the situation is quite different with ethics. Ethics does not inform us about anything; it does not enlarge knowledge; it does not respond to curiosity but to a very different kind of unease. What one expects from ethics is not information but guidance. To be interested in ethics therefore means to be 'interested' in the sense of being involved, being affected. Ethics in the form of a written text occupies a peculiar position. It presupposes in the reader a personal commitment, a disquiet, a willingness to pose questions, a desire to change.

To elucidate this special position of texts on ethics, and at the same time to clarify the sense in which the term 'ethics' is used in what follows, I think it would be useful to call to mind the threefold division of philosophy which I adopted in my introduction to philosophy.[1] In my view, there are three different ways of approaching philosophy: it can be seen as a way of life, as practical

wisdom and as a science. The third of these, philosophy as a science or a body of knowledge, is the one ordinarily practised at academic institutions. Philosophy is understood as an area of knowledge of a specific kind, with its own methods and schools, with a research frontier which is constantly moving forward and with special problems generated by the advance of this frontier. The manner in which this academic philosophy is presented consists essentially in argument and refutation. It shares with science the ideal of objectivity, which implies a strict division between knowledge and the person holding that knowledge: the argument is supposed to be independent of the person who puts it forward and, conversely, the person can be entirely unaffected by the knowledge he or she possesses and pursues.

I shall not approach moral philosophy in this way. That does not mean, however, that such an approach is not possible. On the contrary, one cannot help observing that the major part of what is taught at universities under the heading of ethics, moral philosophy or practical philosophy does, indeed, fall into the category of *philosophy-as-science*. In it the structure of deontic statements is examined, the speech-act of imperatives is defined, the possibility of moral arguments is studied and the legitimacy of moral judgements analysed. None of this need have anything to do with personal involvement or commitment; indeed, it does not have to affect the philosopher, or his or her listeners and readers, at the personal level at all. Quite the contrary: the less it has to do with such things, the better – that is, the more scientific. In what follows, therefore, I shall not expound academic philosophy, or what might be called the discourse of practical philosophy; nor shall I discuss its historical development, that is, the history of ethics. Indeed, I do not know what benefit readers, who, in most cases, will not be professional philosophers, might derive from such an exercise. I am aware, or course, that the broad interest in ethics today, which stems from a profound sense of unease, is fed to a large extent by the debate being conducted among academic philosophers. Later in this book, therefore, I shall touch on the history of ethics and the current academic discourse, but only when something worthwhile can be learned from it. In this introduction, though only here, I should like to comment on academic discourse and practical philosophy from a critical standpoint, in order to make clear how my approach differs from it.

Ethics, as it will be presented here, has less to do with philosophy *qua* science than with philosophy as a mode of living or a way of life, and as a body of wisdom for living. Philosophy as a mode

of living is, in a certain sense, quite the opposite of philosophy as science. It is concerned with knowledge in so far as it engages with the person, with a conduct of life which is fundamentally guided by knowledge, or, more precisely, which is determined by the state of knowledge of the person concerned. The idea of a special, philosophical way of life has its prototype in the figure of Socrates.[2] Socrates demonstrated in his own person – and tried to bring about in others – a state of consciousness which provided a basis for authentic actions, and for giving an account both of one's actions and of one's existence. To lead a philosophical life is not everyone's affair; it even implies an aspiration not to be like everyone else. Nevertheless, the philosophical way of life has acted as a model for many; it has been disseminated through various media, such as education, by which it has also been trivialized. In my introduction to philosophy I showed that the modern way of living is in many respects a trivialization of the classical ideal of a philosophical conduct of life.[3] This fact alone is enough to indicate that a philosophical mode of life must be defined differently today from the one which evolved in the great line of development from Socrates to Stoicism. This, however, confronts us once more with the need to distinguish the philosophical life from the average one. Today, too, it is the case that not everyone is interested in leading a philosophical life.

If, in what follows, ethics is placed in the context of philosophy as a mode of living, that means that ethics is an enquiry into a special mode of life with special claims. And here, too, it is the case that leading a moral life is not for everyone.

The third approach to philosophy I have called, with Kant, 'practical wisdom' (*Weltweisheit*). Kant distinguishes practical wisdom from the philosophy of the schools, that is, from what I have called scientific philosophy, by saying that it is concerned with 'what interests everyone'. Consequently, philosophy as practical wisdom is, to my mind, the philosophy which engages with the problems confronting us today. Ethics in the framework of practical wisdom is therefore clearly distinguished from ethics as a philosophical mode of living. For it is concerned, precisely, with what interests and involves everyone, that is, with public questions. Accordingly, moral problems are not regarded in this case as problems of one's mode of living, but as problems of public opinion-forming and social regulation.

This way of understanding philosophy means that an account of ethics will need to be divided into two distinct parts. The first part will deal with problems of living, the question as to what a

moral life consists of and how one must form oneself as a person in order to be a human being not just somehow, but *well*. The second part will be concerned with how, against what background and with what arguments one can take part in concrete discourse in order to contribute to a public process of forming opinion on moral questions, and thereby of establishing social norms. To begin with, these two parts, these different conceptions of ethics, will be starkly confronted with each other, without any attempt to soften the harshness of their juxtaposition. On one hand, philosophical living, which is not for everyone; on the other, involvement in problems which interest everyone; on one side, existence and the formation of personality; on the other, speech and argumentation. This contrast will not be glossed over, although, later, clear connections and mediations between the two sides will emerge, and will make the opposition between them more understandable and plausible.

First of all, however, I should like to set out my critique of practical philosophy as it is carried on in academic discourse, and thereby justify my decision not to base the present book concerning ethics on that discourse. This critique will take the form of four theses, each one referring to a particular tendency of academic ethics or schools of ethics:

1 *Academic ethics fails to reach the level of concrete problems.* This criticism applies above all to the so-called ethics of discourse, but also to other varieties, which see themselves as reconstructions of Kantian ethics and the 'categorical imperative'. If one takes the justification of moral judgements to be the central problem of ethics, once either confines oneself, like Kant, to purely formal statements, or, at most, one can, like Apel, extract the implicit norms from the discursive situation.[4] It is, of course, the case that by entering into a discourse one accepts certain rules and also subscribes to a mutual recognition between the partners. But it would be quite impossible to derive any guidelines for concrete living from that situation. Apel had an inkling of this, and therefore suggested what he called bridging principles, or principles of application (*Anwendungsprinzipien*),[5] the aim of which was to ensure that such a thing as practical discourse could take place at all. Nevertheless, this whole undertaking remains an ivory-tower philosophy, an ethics which fails to recognize moral problems existing *outside in the world* as relevant to its work, but is driven along instead by the increasingly sophisticated arguments of its academic practitioners. If the ethics of discourse is to have any

relevance at all, it is to the second part of ethics that I mentioned just now, the formation of a public consciousness as a background for necessary social regulations. This is how it was finally understood by Habermas, when he sought to translate the ethics of discourse into a discourse about the policy of legislation.[6]

2 *Academic ethics fails to address the difference between moral judgements and moral actions.* The academic debate on ethics is dominated, in almost all philosophical schools, by certain empirical investigations into the development of moral judgement, as carried out by Lawrence Kohlberg on the basis of Piaget's work.[7] In these investigations the authors constructed a developmental logic of moral consciousness leading from simple guidance by reward and punishment through several clearly definable stages to actions governed by principles. But – and this is the crucial point – these actions are not really actions at all, but moral judgements. Whether people who judge a given moral dilemma in such and such a way according to such and such principles would then act in accordance with their judgement in a concrete situation is a completely open question. Not only that: it is a question which is not even asked. These investigations, therefore, are not concerned with the moral development of the child or adolescent, as they claim, but, like Piaget's, with cognitive development. Large sections of moral philosophy which are strongly influenced by these analyses are also concerned solely with moral judgements. For example, Tugendhat's *Vorlesungen über Ethik* revolves around the grounds and backgrounds of moral evaluations.[8] Although he does seek to break out of the closed intellectual circle by including motives for moral judgements as well as grounds or reasons, he cannot leap the chasm between judgement and action, nor is he even interested in doing so. One might say that, since Socrates, this chasm has been the central problem of ethics. 'Do you hold knowledge to be something which rules us?' Socrates asked the Sophist Protagoras.[9] The latter believed, like most people, that while one often knows full well what the good action is, one still does not perform it, being 'overcome by desires'. Jesus Christ, in the Gospel of St Matthew, also says famously: 'The spirit is willing but the flesh is weak.' In Kant's work it was still clear that moral existence involved a struggle with one's own structure of impulses. In academic philosophy since Freud, and perhaps precisely because of Freud, there is no longer any discussion of this issue.

3 *Academic philosophy continues to propagate illusions about the relationship between virtue and happiness.* That the wicked prosper and the good do not has been a challenge to ethics from the first.

Faced by this manifest scandal, ethical reflection has striven in every conceivable way to demonstrate that it is also *advantageous* to strive for the good. Most ethical systems were unable to do without a long-term perspective, frequently extending into the after-life, in which being good finally came to the same thing as being happy. The chasm between the two is usually bridged by ambiguous talk of the *good life* or the *successful life*. One can either interpret that concept in the manner of Socrates, who maintained that tyrants were not really happy because they had a tyrannical inner constitution,[10] or one could understand it to mean that the good person who is in a bad situation can still derive enough satisfaction from his good deeds to be content. It is incomprehensible to me how anyone, after the horrors and barbarism of the twentieth century, could still cling to such threadbare consolations. It is certainly better to emphasize, with Hans Krämer,[11] that morality can prejudice the subjective striving for happiness. Krämer gives the name of *striving ethics* (*Strebensethik*) to an area of ethics explicitly directed towards self-realization and earthly goods, in which what is held to be good is defined subjectively. He, at any rate, does not give the impression, under the flimsy heading of an *ethics of the good life*, that a moral existence leads at the same time to a hedonistically fulfilled life.[12]

4 *Academic ethics fails to locate itself in the context of history and civilization within which it seeks to be effective.* I have already mentioned that academic ethics has its starting-point in academic discourses and not in current moral questions. Indeed, for the most part it should not be referred to as ethics but as meta-ethics, in that it does not discuss moral questions but is concerned with the conditions determining the possibility of such discussion, that is, with moral argumentation and reasoning. Still worse than this absence of context is its lack of any historical and social reference. The discourse of practical philosophy takes no account of the fact that it is being conducted in the twentieth century, or, more specifically, in twentieth-century Germany. When, for example, Wolfgang Kuhlmann, in his introduction to the volume *Zerstörung des moralischen Selbstbewusstseins*, claims that ethical discourse in the German Federal Republic since 1945 has been dominated by horror at the new barbarism of the twentieth century, that is pure wishful thinking. He himself admits that explicit concern over the destruction of the constitutional state and the organized mass murder in the Third Reich has *not* found its way into ethical theories (p. 16).[13] It is equally grotesque when, in the same volume, Apel explains the failure of intellectuals in the Third Reich as an

error occurring 'at the crisis stage in the transition from the morality of conventional to that of post-conventional principles'.[14] He believes, for example, that 'a *universally valid normative* principle could have preserved Heidegger from total surrender to the *kairos*'.[15] Here the horrors and wretchedness of the twentieth century are used quite extraneously to recommend one's own philosophy. There can be no question of a shattering of previously self-evident moral truths. Tugendhat thus derives the legitimacy of the state from his reformulation of the categorical imperative.[16] It passes understanding how a philosopher can be so little a contemporary of the twentieth century that in such a connection he fails to mention *state terror*, the experience of which has shaped our historical and political consciousness. In the collection mentioned, only Hans Ebeling even attempts such a thing. In his contribution, 'Vom Schrecken des Staats zum Umbau der Philosophie' [From state terror to the reconstruction of philosophy], he states that philosophical support for the state has become impossible today, and that 'refusal of assent [to the state] is not only legitimate but morally imperative'.[17]

If we look back on this fourfold critique of academic ethics, it emerges that my own enterprise in this book must meet four principal demands: ethics must

- set out from an identification of current moral problems;
- confront the difference between moral judgement and the possibility and capacity for action.

In addition, it must

- acknowledge the divergence between virtue and happiness; and, finally,
- make explicit the basic historical conditions under which moral action and argumentation take place today.

Accordingly, we must first assure ourselves that moral problems do in fact exist. That this is necessary may seem a little strange, since I began by noting that a widespread uncertainty over guidelines for living was a precondition of the present intensive discussion of ethics, and therefore of this book. Does that not mean that we all feel ourselves beset by moral problems? Clearly, these two things are not the same: the general uncertainty over guidelines can go hand in hand with an average, morally untroubled con-

sciousness with regard to everyday matters. The reason is that everyday life and behaviour are, in general, adequately regulated by considerations of expediency and of what is *customary*. The questions as to whether one rides on a bus without paying, tells lies to one's partner or evades taxes are not, in my opinion, moral questions. They are sufficiently regulated or decidable by customary behaviour and worldly wisdom, which can sometimes simply be called shrewdness. Admittedly, there are authors who regard such questions as moral questions as well. I should therefore state that here and in what follows I use the term *moral questions* in a specific sense, to refer to questions *which concern serious matters*. This view will be explained and justified in the course of the book. For now I will say only that when I assert that there are *moral* questions, I mean that there are questions which arise at certain times when matters become serious for each of us. How we decide those questions determines who we are and what kind of people we are.

However, in terms of the division of this book set out above, I have so far stated what a moral question is for only one part of the book – the part concerned with the moral existence of the individual and the development of the individual's mode of life. The other aspect of ethics relates to the formation of public opinion as a background for necessary social regulations. Here, too, I would maintain that moral questions exist today. What does that mean in this context? By analogy with the first definition, one might say that these questions are those which arise when matters become serious for society, which decide the kind of society we live in. Certainly, that is not a bad answer. But here, too, one must first satisfy oneself that moral questions do actually exist in the sphere of social arrangements and regulations. For it could equally be the case that everything in that sphere is done according to expediency, or according to the knowledge provided by science – or simply by convention. It is not difficult to give examples of such *morality-free* social regulations. Road traffic arrangements, for example, are a matter partly of expediency and partly of convention. Accordingly, legislators attempt to base regulations concerning matters such as emissions control on purely scientific facts – for example, facts about toxicity. Of course, such attempts frequently conceal an element of convention, and some critics would contend that even definitions of emissions threshold values are moral questions, i.e. value judgements. The term 'value' is not, perhaps, a happy choice, since it can too easily carry economic connotations. But it does point in the direction from which one

might expect an answer to the question as to what a moral question is in the context of public opinion formation. It is a question of social regulation which cannot arise solely through expedience or through *mere* convention, but requires a more general guideline. This general guideline can be one which a society, our society, has always possessed, i.e. one which society has adopted historically or implicitly through the form of its communal life; or it can be one which it has to arrive at by a majority decision and which becomes the basis of communal life from then on. Such basic guidelines are, in fact, often called values, or basic values – as in the debates between political parties on fundamental values, or when one speaks of the *basic values of our democracy* – or they may be referred to as fundamental rights, such as (to mention the most important example) human rights.

All this merely indicates formally what moral questions are. It has, however, already had one interesting result: it has brought to light the analogy between the two otherwise quite heterogeneous areas of ethics. A moral question in the area of ethics concerned with the formation of an individual mode of living is a question by which it is decided how a person regards himself or herself, and who that person is; a moral question in the field of the public discourse devoted to establishing social norms is a question by which it is decided how a society regards itself and what it becomes. In each case these are questions in which matters become serious for the individual person or for the society.

To support the contention that moral questions really do exist today in both areas it will be enough to give one example for each area. For the first area, a difficulty might arise from the fact that the point at which matters become serious for a particular person is highly individual and is different for each person. That is correct. It is, however, characteristic of the shared nature of our life situation that one can specify at least the dimensions within which matters become serious at some point for everyone. *One* such dimension is defined by the possibilities of technical-scientific medicine. The possibilities of manipulation made available by technical-scientific medicine are such that it is no longer clear today what the individual must accept as simply a given feature of one's corporeal existence. The need for sleep can be regulated by sedatives and stimulants, mood by other stimulants and psycho-pharmaceuticals, fitness and physique can be enhanced, aptitudes can be modified (or will be in the near future) by gene manipulation, organs can be exchanged in case of sickness and, finally, life itself can be prolonged far beyond the patient's active