

MORALITY, THE OTHER, AND THIRD PERSONS

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Abstract. This paper seeks to defend the thesis that a justification of morality has to underline the role of the second person in addition to a perpetual and on-going change of perspective that likewise includes the third and first person. To support this argument, the paper conceptualises responsibility as a moral relationship whose core constitutes the encounter with the other whom we recognise as a second-person authority. It then sketches how this pre-cognitive dimension must be supplemented by a cognitive insight which implies a dissociation from the second person and a consideration of third persons. On this basis, it finally provides an outline of how a possible tension between these different but all-together necessary perspectives could best be resolved.

In Anglo-American philosophy, the orientation towards the second-person perspective is most prominently associated with Stephen Darwall and his book *The Second-Person Standpoint*,¹ which is directed against the still dominant trend in this philosophical tradition of understanding morality either from a first-person perspective or from a third-person perspective.² By contrast, associating morality essentially with the second person has a longer tradition in continental philosophy due to

¹ Stephen Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability* (Cambridge, Mass.; London: Harvard University Press, 2006).

² See, for example, Christine Korsgaard's book on *Self-Constitution* (Oxford; New York: Oxford University Press, 2009) in which she develops the argument that morality is an essential element of the subject's self-constitution. As a consequence, morality is associated with the *first person*. In contrast, utilitarians, for example, could be said to adopt a *third-person*-perspective, since what counts as morally right can neither be settled by just looking at an *ego* nor an *alter*.

the influence of the phenomenological tradition and especially the face-to-face encounter that is central to the work of Emmanuel Levinas.³

I agree with Darwall's general strategy of seeking for the first principles of morality in the kind of a relationship that pertains between myself and an other person who stands in a second-person relationship to me, that is, from the second-person standpoint or perspective; but I think that this approach does not suffice to ground a full account of morality because what we need in order to be able to act in a morally responsible way is, I will argue, a perpetual and on-going change of perspective that also encompasses third persons and thereby the third and first-person perspectives. This perspectival extension is, on the one hand, necessary for developing an understanding of ourselves as thinking beings and for developing our capacity to act. On the other hand, we can only *act* in a morally responsible way if in our acting we not only consider the claims and interests of one single other, to whom we relate second-personally but also, at least potentially and at the background of our thinking, those of every other person who could be affected by our way of acting. Thus, it is not only essential for moral philosophy to emphasise the importance of the second-person perspective but also to deal with the very difficult question of how we can reconcile those additional perspectives that are all necessary for acting morally, that is, in a way that avoids regarding one perspective as absolute to the exclusion of the others.

In order to develop these thoughts in the following, I want to outline in a first step our moral relationship as one of responsibility to others whose core constitutes the encounter with the other whom we recognise in a pre-cognitive way. In a second step, I will describe very briefly how this pre-cognitive dimension must be complemented by a cognitive insight which already implies a dissociation from the second person and a consideration of third persons. In a final step, I will then provide a sketch of how I think a possible tension between these different but all-together necessary perspectives could best be resolved.⁴

³ See above all, his two most important works, Emanuel Levinas, *Totality and Infinity* (Pittsburgh: Duquesne University Press, 1969), and *Otherwise Than Being or Beyond Essence* (The Hague, Boston; London: Martinus Nijhoff Publishers, 1981).

⁴ In this article I am drawing on arguments I develop in *Verantwortung im Diskurs*, (Berlin, New York: Walter De Gruyter 2011). I would like to thank Mahmoud Bassiouni, Manfred Buddeberg, Erin Cooper, Jörg Schaub and the reviewer of the *European Journal of the Philosophy of Religion* for helpful comments, as well as audiences at Prague and Oxford where I was given the opportunity to present earlier drafts of this paper. I would

PRECOGNITIVE RECOGNITION AS THE BASIS
OF MORAL RESPONSIBILITY

I would like to start by elucidating briefly where, in my view, the ground of morality is to be found, namely, in a relationship with others that can be conceived of as a relationship of responsibility. Responsibility, in the sense I have in mind here, is a constitutive part of intersubjective relations insofar as human beings share – principally through language – a world with others to whom they have to respond and to whom they could in principle give an account of the reasons for their actions.⁵ Through language people communicate with each other and thereby share how they experience each other and the world, and how they act and interact with each other and the world. It is only in a common language that people have a (shared) world at all⁶ and it is largely by means of discursive exchanges that the world becomes meaningful for the communicating subjects. At the same time, by speaking about and of something, people address others and experience themselves as counterparts. For with every kind of linguistic interaction, more is implied than merely being a speaker, and it is not merely a question of ‘sentences’ that make assertions about the world. In every speech act, a *person* will always be addressed – this is true not only for everyday-conversations, but also for speeches and literature when an abstract collective is addressed or even for soliloquy, treating one’s own self as a kind of inner audience. Language has aside from – or even perhaps before – its communicative function, a phatic function through which the contact between speaker and addressee is realised or maintained.⁷ Thus, every speech act explicitly

finally like to express my gratitude to the editors of the European Journal for Philosophy of Religion, and those of this special issue, particularly Andrew Pinsent for his excellent editorial support.

⁵ In *Verantwortung im Diskurs*, I develop this conception of responsibility by way of discussing the work of Hans Jonas, Karl-Otto Apel and Emanuel Levinas; it resembles Darwall’s general approach regarding the relation of moral obligation to accountability, which Darwall links with the very idea of a ‘second-personal reason’: the ‘kind of reason that simply wouldn’t exist but for the possibility of the second-personal address involved in claiming or demanding’. *Second-Person Standpoint*, p. 9.

⁶ See, Maurice Merleau-Ponty, *Phenomenology of Perception* (London; New York: Routledge Classics, 2002), p. 413.

⁷ Communication theory speaks of communication on the ‘Content and Relationship Levels’. (See, Paul Watzlawick, Janet Beavin Bavelas and Donn D. Jackson, *Pragmatics of Human Communication. A Study of Interactional Patterns, Pathologies, and Paradoxes* (New York: Norton, 1967), pp. 51 ff.

or implicitly presupposes an addressee, without whom it would be void and would not be conceivable.

Furthermore, to address someone presupposes at the same time that the addressed person could answer if he is adequately trained in the same language and not inhibited or unwilling to do so, and beyond that, that the addressee could respond to the claim raised to him both in terms of the issue being addressed and, ideally also, the intention behind the address. As linguistic beings, humans are always in a state of potential to be addressed. Actualising this potential in second-person relations is largely how language first develops, and it is by means of language that human beings are able to construct and share a complex world with others, including with those third persons who are not present immediately to be addressed. But since human beings cannot avoid being addressed by others at will, they, by the same token, cannot refuse to respond (in the broadest sense of a reaction, even the reaction of willing not to respond in any overt way).⁸ For once persons are as addressees ‘affected by an addressing that makes a demand’,⁹ any act or behaviour following this address will refer, as Bernard Waldenfels puts it, to this demand and is thus, *nolens volens*, a response, regardless of whether it is positive or negative.¹⁰ Even in the heat of a conflict, it is, as Christine Korsgaard points out,

[...] impossible to hear the words of a language you know as mere noise. In hearing your words as words, I acknowledge that you are someone. In acknowledging that I can hear them, I acknowledge that I am someone. If I listen to the argument at all, I have already admitted that each of us is someone.¹¹

Speaking and acting can thus generally be described in terms of a response to others, a response that also always takes account of previous sequences of speech or action. In this sense, one can state that we human beings *necessarily* answer or respond. And in responding, we simultaneously *recognise* the other – a recognition I see as the very core of what could perhaps be described in Stephen Darwall’s vocabulary as the immediate

⁸ See, Merleau-Ponty, *Phenomenology of Perception*, p. 420.

⁹ ‘von einem An-spruch, einem Ansprechen, das einen Anspruch erhebt, getroffen’, Bernhard Waldenfels, *Bruchlinien der Erfahrung. Phänomenologie, Psychoanalyse, Phänomenotechnik* (Frankfurt/M.: Suhrkamp Verlag, 2002), p. 127. My translation.

¹⁰ Ibid.

¹¹ Christine Korsgaard, *The Sources of Normativity* (Cambridge: Cambridge University Press, 1996), p. 143.

ground of ‘the *second-person* authority’¹² – the authority inherent in a person addressing us, simply in virtue of being a person. Just as we have to presuppose that every speech-act has an addressee, we must also assume that a human person only answers by responding to *someone* – to the message, the question, the expectation or actions – that *an other person* more or less explicitly directed at him. And people cannot – at least not completely – refuse to communicate with each other about the world which they share, since they thereby would lose or neglect an essential dimension of both the other person(s) and themselves. Responsibility is essential, not accidental, to what it means for us to be human.

Recognition, in the sense I have in mind here, should be distinguished from cognition. In the philosophical tradition, the term ‘cognition’ often implies an intentional ‘reaching out’ into the world and presupposes a form of consciousness which, in general, is able to cognise something *as something or as a person in a certain role or function*, with certain qualities, capacities, etc. In contrast, ‘recognition’ of the other describes an immediate, non-intentional and unpremeditated insight we have as soon as we encounter other human beings. Therefore this form of recognition does not take into consideration specific features of our inter-subjective relations with others.¹³ Nevertheless the two modes of experience, cognition and recognition, different as they may be, constitute neither two different alternative relations to the world which mutually exclude each other, nor do they have two categorically distinguishable objects. We recognise the other person in that, at the same time we cognise him as a particular person by means of our sensual perception and our consciousness. Only through the entanglement of these two modes of relating do we perceive human beings as human beings. Besides cognition, recognition as grounding an attitude towards other humans is a concrete and common relation which is always present and constitutive of the way in which we exist in this world, and seems to be the essential way in which we encounter the other as a ‘second-person authority’.

This ‘second-person authority’ we have to recognise, being the very core of responsibility, needs further explanation and consideration. But let me first further explicate my argument that responsibility is to be regarded as a fundamental anthropological determinant of our

¹² See, for example, Darwall, *The Second-Person-Standpoint*, pp. 126, 246, 320.

¹³ See, for example, Axel Honneth’s book on *Reification and Recognition: A New Look at an Old Idea* (Oxford; New York: Oxford University Press, 2008).

being-in-the-world: Ideally, a subject's responses or reactions will harmonise with the suitably expressed and interpreted expectations of others. Whatever way the subject does respond, however, will evoke further reactions from others, and from these related interactions a shared world emerges, being realised, structured and specified in one way or another by every answer given. Like individual musicians contributing their notes to a great, open-ended piece of music, and responding to the notes of others, no response given is truly ultimate.¹⁴ Others who are directly or indirectly affected by each contribution will respond to it, and these responses require further responses, and so on. Every act and every form of behaviour can henceforth be understood as a response to a previous response, expanding the net of responses, and of responses to responses by means of which a world is constituted, structured, and ever renewed.

Equally, responding and speaking also implies that one speaks *about something*. And in uttering this something humans claim, at least implicitly, that what is spoken can be explained and justified. For without any such claim, utterances would be devoid of meaning and without a point; they could no longer be understood even in principle, and the speaker would be treated as aphasic if this practice were to happen constantly. Every claim raised explicitly or implicitly can be put into question by others, and just as the claims raised with every act differ, they can also be put into question in various ways. Furthermore, as persons affected by such an act, either as addressees or third-party observers, we may have and indeed express doubts about the appropriateness of the act in question. In such a case, the actor has to respond again and – according to the context – in different ways if he wants to uphold his claim that his act can be justified.

Every utterance – that is embedded in language, shared and co-determined by others – refers more or less directly or indirectly to previous utterances and can therefore also be described as a response to others, whether to words spoken just previously or in more temporally remote contexts. By the same token, human acts more generally can also be understood as a sequence in a nexus or network of interactions that can be interpreted as a response or reaction to acts preceding them. Both speaking and acting are thereby closely interwoven: speaking is

¹⁴ I would like to thank one of the reviewers for suggesting this illuminating metaphor to me.

also acting, and acting being intentional can in principle be expressed in terms of reasons that in turn rely on language;¹⁵ both are realised in this world shared with others, and both share the claim, at least to some extent, to be understandable and, according to the context, justifiable.

The harmonisation achieved in this 'game' of acts and responses is, however, a matter of degree: in practice, the more that we find our interests and demands being considered in others' speech and actions, the more easily we can accept those explicit or implicit claims as legitimate. Conversely, the less that others succeed in rendering their actions comprehensible and justifiable to us, the less those actions seem legitimate. All kinds of second-order considerations are also implicitly at play, such as the degree of justification that can be assigned to considering a demand as legitimate and so on. Collectively, all these demands and responses determine, structure and specify the relationship between people and, therefore, the communicative basis of a world that can potentially be shared by everyone.

So far, I have argued that it is part of humans' being-in-the-world that they are responsible to others. People cannot – or at least not completely – refuse to communicate with each other about the world that they share since they would thereby miss or neglect an essential dimension of both others and themselves. We cannot, therefore, even in principle choose whether we want to partake in the practice of responding and justifying.

But would it not be sufficient if people, driven by the endeavour to avoid isolation, justified themselves to others only insofar as it seemed necessary to them to achieve a degree of social interaction they subjectively find desirable? If, for example, someone feels obliged to justify his actions to his family but not to strangers, this seems at first glance compatible with the thesis that human beings are obliged to justify themselves to others because this is part of their being-in-the-world. After all, this person does accept responsibility, though not for all others, but only for his family.

As I see it, such a restricted version of being responsible is not compatible with the thoughts presented so far, for it would then be, at best, a particular obligation to *some* others and not a moral duty to *all* others, even if everybody generally had to comply with it. What would be left unaccounted for by such a view is what characterises the relation to

¹⁵ Even if intentional action can *in principle* be described in terms of reasons, the subject of the action may not always be able to articulate these reasons himself.

the other *generally* – that is, independently of the particular relationship between concrete persons.

For it is to be kept in mind what has been stated above about the very core of the responsibility-relationship, namely that the recognition of the other has to be regarded as entangled with but also distinct from any particular intersubjective relation involving cognition of something *as* some ‘thing’ or *as* the other person in a certain role or function, with certain qualities, capacities, etc. To recognise someone does not mean that we necessarily cognise him as our friend, business partner, enemy, or even as ‘the stranger’, but rather denotes the pre-cognitive way in which we are bound up with every other: becoming aware of the fact that the other concerns us does not depend on the other being in a particular – positive or negative – relation with us, or him being strange to us, so to speak, in a ‘neutral way’.

It is anything but easy to give everyday examples in order to illustrate this point. For almost always it could be argued that in every concrete case there exists a particular form of obligation, for example, stemming from social roles: a person explains to his friend why he did not get back to him; a business partner justifies to his colleagues why he had to raise his prices, and so on. Even in cases in which no personal relations apparently exist, such as, for instance, someone explaining to someone else, previously unknown to him and whom he encounters accidentally, why he demands something, mere convention might provide a motif for the justification. Thus, in almost any situation one can imagine, it is difficult to distinguish clearly whether we respond to the other because we perceive ourselves to be responsible to him due to a particular relational obligation, or more generally, because we simply recognise him.

Nevertheless, I am inclined to defend the idea that we have, independently of conventions or particular relationships, a general duty of responsibility towards other people simply because we recognise them. For even the rejection of an answer that is motivated by the conviction that our action is of no concern to the other implies that we have already conceded on the meta-level that, in general, the other has a right to ask for reasons and to expect a justification whenever our actions would indeed affect him.¹⁶ This right seems to me to be a moral right: we respond to

¹⁶ According to Korsgaard, we do not need reasons to take into account others and their reasons: ‘We seem to need a reason not to. Certainly we do things because others want us to, ask us to, tell us to, all the time. We give each other the time and directions,

others and justify our actions to them not only or primarily for reasons that have to do with conventions, positive norms or the like, but because we simply recognise them.

That we recognise others is thus independent of the particular relationship in which we stand to them; what is even more, we cannot decide not to recognise someone¹⁷ without losing an essential dimension of what it means to be a human being. This fundamental attitude of recognition has been summarised by Axel Honneth as ‘our active and constant assessment of the value that persons or things have in themselves’.¹⁸ We acknowledge another person not (only) in the form of a cognitive judgment, and we initially do so independently of the question as to which particular person we cognise the other to be, and in which relation we may stand to that person, but we acknowledge him, so to speak, in his ‘second-person authority’.

RECOGNITION AND COGNITIVE INSIGHT

Moral responsibility is, as I have tried to make clear so far, inconceivable without the capacities of cognition and intentionality. Beyond the – mainly precognitive and non-intentional – experience that others concern us in their second-person authority, moral responsibility implies moral insight (i.e. that we owe them answers and justifications) and such an insight requires cognitive capacities.¹⁹ For the more distinctly and precisely this sensibility is articulated, the more manifest it becomes that the pre-cognitive relatedness to the other is accompanied by a cognising consciousness that puts us in a position to act and to take into account the particular claims that others have on us. In order to be

open doors and step aside, warn each other of imminent perils large and small. We respond with the alacrity of obedient soldiers to telephones and doorbells and cries for help. You could say that it is because we want to be cooperative, but that is like saying that you understand my words because you want to be cooperative. It ignores the same essential point, which is that it is so hard not to.’ (Korsgaard, *The Sources of Normativity*, pp. 141f.).

¹⁷ However, this capacity may be numbed or partly destroyed as, for example, Honneth has pointed out in *Reification and Recognition*.

¹⁸ See, *ibid.*, p. 38.

¹⁹ See, Martin Seel, ‘Anerkennung und Aufmerksamkeit. Über drei Quellen der Kritik’, in *Sozialphilosophie und Kritik*, ed. Rainer Forst, Martin Hartmann, Rahel Jaeggi and Martin Saar (Frankfurt/M.: Suhrkamp Verlag, 2009), pp. 157–178, 162ff.

able to act in accordance with the pre-cognitive recognition of the other, human beings need both a conception of what answers, reasons and justifications are, and knowledge about the particular needs and rights that others legitimately possess due to the specific ways in which they are affected. Human beings can only do so by recognising the other, yet by the same token reflecting, and finally judging in which specific ways the other concerns them. Part and parcel of the moral insight is thus also this other dimension: the duty of responsibility is not, as Rainer Forst emphasises, only 'recognised', but also 'cognised'.²⁰ Human beings must have a cognitive idea of how to do justice to the other if they want to respond to the other not just in any way, but rather in the most morally adequate way.

There are at least three aspects with regards to which cognition needs to supplement the 'sensed' insight upon which the responsibility to the other is based: First, the pre-cognitive recognition of the other has to be reflected upon, so that this experience can guide future action even in situations in which we otherwise might not correspond to it spontaneously. Second, cognition is required so that we can understand, on the basis of a fundamental recognition of the other, the demands addressed to us, weigh them and judge them in line with standards of justice. Finally, cognition comes into play in generalising and thereby in transferring this fundamental experience of a concrete encounter with one singular other *to all conceivable others* – without having encountered each of them personally. To recognise others presupposes personal encounters, or to put it slightly different, to encounter others in their second-person authority – we hereby become aware that we have to respond to them. But even in situations in which we do not encounter other human beings personally, we are able to think of ourselves as being responsible to them because we can and should, by a process of generalisation made possible by reason, transfer this recognition to all of them, just because we *can encounter* them in principle. This generalisation implies a shift from the second-person relation to one that includes others as third persons.

Pre-cognitive or non-intentional relatedness to the other (the recognition of the other) and the cognition of the duty of responsibility as well as the knowledge of the aptness and the possibility of universalisation

²⁰ Rainer Forst, 'Moral Autonomy and the Autonomy of Morality. Toward a Theory of Normativity after Kant', in *The Right to Justification: Elements of a Constructivist Theory of Justice* (New York: Columbia University Press, 2007), pp. 43-61, 54.

are thus inherently linked.²¹ These processes are interdependent on the level of action, and therefore cannot be hierarchically ranked. We would not even reasonably think about how to respond adequately to others and their demands if we had not already recognised that these others concern us. Conversely, recognition without reason-guided reflection that, in turn, is instructed by the encounter with the other, would easily become a catchword without commitment. Thus, I agree with the general approach of Darwall's argument that we draw from second-person relatedness to ground the foundations of morality: the core of morality is neither a general law nor a relation to myself, but consists rather in our (finding ourselves as) being involved with the respective other human being we have to recognise. We cannot, however, adequately think about how to act in a morally responsible way without taking into account that this other is always already surrounded by others, third persons, whom we also have to recognise and take into account.

Nevertheless, even in those cases in which we not only have to respond to the singular other, but also to anyone who is one step further removed from us, moral responsibility is still in fact about concrete other human beings, for also 'all the others' – as Levinas puts it – 'that obsess me in the other do not affect me as examples of the same genus united with my neighbour by resemblance or common nature.'²² They concern us, since they are all of them, each in his unique alterity, concrete others – and hence potentially second-person authorities, even if not present to us in a second-personal way at the moment of concern. In contrast to Kantian approaches to morality that start from the universality of the moral law and then subsume individual cases under this law, the experience with the concrete individual person is here transferred to every other person, because he is 'an other' too. It is thus not a question of living up to an abstract principle, but of taking into account the other human in the concrete peculiarity of his being human. Thus, the core of morality is not a general law, but the willingness to relate second-personally with another human being.

At this point in the argument, my more anthropological thesis on responsibility with which I began has been extended to a statement about moral philosophy: human beings recognise in the encounter with the other – independent of every particular relation and in a non-intentional

²¹ See the respective thesis in Levinas, *Otherwise Than Being*, p. 159.

²² *Ibid.*

way – that this other concerns them, and thereby they acknowledge at the same time that they have to respond to this other, or that they owe this other reasons. Not recognising or cognising that the other has such a fundamental ‘right to justification’ – as Rainer Forst phrases this core moral insight – would mean to deny him and oneself an essential dimension of what it means for a human to be in the world: namely, to be a creature that shares through language a world with others – a sharing that requires that one gives others justifications for one’s actions by being prepared to provide adequate reasons for them.

ACTING RESPONSIBLY, ADJUDICATING DIFFERENT PERSPECTIVES

If the core of morality is not a general law but the willingness to relate second-personally to another human being, in the concrete peculiarity of his being human, how can we avoid the risk of immediate second-person relatedness obscuring broader moral concerns? I would like to emphasise at least three aspects that seem important to me: the necessity of an intersubjectively valid measure, that is, *justice*; the possibility of *bracketing one’s own perspectives* in order to take other perspectives into account; and finally *verbal communication* with others.

First, in the discourses of justification pertaining to the exercise of moral responsibility, a comparison between various particular claims is assumed that includes both the claims of other persons and one’s own claims. In order to evaluate and decide which of them must be considered and to what degree, an intersubjectively *valid measure* is required – *justice*. This central concept of practical philosophy as well as of everyday life, however, is often regarded as being both unclear and complex and, moreover, it varies according to the context of application. But at the core of a generally shared basic understanding, the concept of justice is related at a minimum to the attributes of impartiality,²³ balanced

²³ Rainer Forst, *Contexts of Justice*, XI; see also, for example, Stefan Gosepath, *Gleiche Gerechtigkeit: Grundlagen eines liberalen Egalitarismus* (Frankfurt/Main: Suhrkamp, 2004), pp. 36ff.; Otfried Höffe, *Politische Gerechtigkeit: Grundlegung einer kritischen Philosophie von Recht und Staat. Erweiterte Neuausgabe* (Frankfurt/Main: Suhrkamp, 2002), pp. 43f.

judgment²⁴ and authority²⁵ in judging or, rephrased in a negative sense, to the avoidance of arbitrariness.²⁶

Any exercise of moral responsibility, committed to justice in this sense, should therefore transcend the different subjective standpoints and claims, as well as the reasons brought forth to defend them, judging from a superordinate perspective that takes account of the claims of all persons concerned. Those persons must on the one hand be treated as morally equal, but at the same time the extent to which they are concerned by an action must be taken into account. A just evaluation of claims and resulting actions has to consider with equal weight the different contexts (which also implies a reiterative change of perspectives) in which such claims and actions and therefore also their various respective modes of justification can be seen. The kind of context in which an action occurs is neither an objective fact nor arbitrarily determinable. Often, the context is clear, or at least clear enough for moral evaluation, and is only put into question if the evaluation of an action and the claims that have to be considered turn out to be problematic. Nonetheless, every action is subject to a moral principle of justification insofar as, in every situation, every person can in principle demand justifications and this demand can only be rejected with good reasons. At a minimum, every actor in a social context must be at least potentially able to justify why in any particular case he does *not* justify his action.²⁷ Thus no one can be rightfully exempted from this kind of obligation; hence I argued in the first sections of this paper that we as human beings are potentially concerned with all other human beings, each of whom already affects us as soon as we encounter him. Based on that general provision, human beings are additionally obliged to justify their actions to particular others according to the respective context and particular relations.

In ordinary life, actions are seldom or never completely justified explicitly in detail since the appropriate consideration of all claims and interests hardly ever succeeds, but it is possible to speak of

²⁴ Forst, *Contexts of Justice*, p. XI.

²⁵ *Ibid.*

²⁶ Forst, *The Right to Justification*, p. 2.

²⁷ As an extreme example, consider for instance the response given to a prisoner by a guard at Auschwitz, which at least took the form of a minimal justification of why he did not justify his action, 'Hier gibt es kein Warum' ('Here there is no why'). See Primo Levi, *If This is a Man: The Truce* (London: Abacus, 2007), p. 35. I would like to thank one of the reviewers for providing this addendum.

a gradual realisation of such justice. Actions are all the more just the more comprehensively they could in principle be justified to all those concerned with or affected by them. Therefore, it is not possible to determine in advance what is just in individual cases,²⁸ but it has to be ascertained in discourses of justification, which have to be pursued each time anew. Hence, on the level of application, responsibility and justice are closely entangled: Whereas responsible acting demands that people justify their actions with reasons while taking into account others, their claims and their interests, justice is the measure by which the relevance of the different claims is evaluated in a discourse of justification. Here the third-person perspective, once it emerges, is definitely dominant, although the basic moral reason underpinning this perspective is still second-person authority. For no action can be just if the actor does not conceive himself as responsible in principle to every particular other affected by his actions. On the other hand, in order to be capable of responding and thus to act responsibly at all he has to disregard particular interests, at least temporarily.

This consideration leads me to the *second* point I want to spell out briefly, namely that persons should be able to step back from the immediacy of situations and *temporarily refrain from judging* so that they can weigh different, possibly conflicting or competing, claims against one another. Every actor certainly always remains bound to his own perspective. As a person in the world, however, he is not only reacting to the *external stimuli* of what is immediately present to him, but he also possesses the capacity to reflect upon his actions and thus to step away from his own perspective. Furthermore, every person has, given his different social roles and the very fact that he lives in different and changing contexts, various subjective perspectives and, at the same time, the capacity to switch from one to the other. In order to act responsibly with respect to others, persons must have developed this capacity sufficiently for intermittent dissociation such that they are able to adopt the perspectives of others provisionally in addition to their own. Beyond this capacity, they must also be capable of bracketing these perspectives in order to be able to evaluate the situation from a superordinate

²⁸ This does not mean that general laws such as ‘murder is generally unjust’ are not valid, generally. But there may be extreme situations, in which killing seems to be the best and also the most legitimate of all the bad alternatives (it is, however, an open question if we should describe such actions nonetheless as ‘murder’).

standpoint that is intersubjectively shared most broadly among those influenced by a particular action.

Nevertheless, the final perspective referred to here should not be interpreted as adopting the position of a 'neutral observer', since such an observer simply judges 'in the light of his own individual understanding of the world and of himself',²⁹ instead of as a result of communication with others. Moreover, in order to minimise the risk of being caught up in one's own views about how to adjudicate between the claims of others 'paternalistically', communications to appropriate the perspectives of others would, I suggest, need to be as direct as possible. The aim ought to be the attainment of an intersubjectively shared perspective, or at least one with some aspects that are apt for reaching consensus.³⁰ (This process may also be described as a kind of mediation between the second and third-person perspective.) From such an intersubjectively shared perspective, the standpoints that have to be considered can be more easily evaluated impartially since all relevant others have their say and judge the (relative) legitimacy of the particular claims together. It is also possible to qualify one's own position so that a compromise, a conciliation, or even better an agreement, can be attained even in cases of clashes of interests that seem *prima facie* irreconcilable.

Not only is cognitive understanding important in this process, but also considering 'that the normative claims of other subjects can be appraised in terms of their moral weight only if at the same time the particular views [...] are also understood'.³¹ For in order to actually understand what kind of 'value a particular interest has for a concrete person', it is equally necessary 'to comprehend his individual life ideals and modes of orientation'.³² This requires, beyond the cognitive role-adoption, 'a certain degree of reciprocal empathy'.³³ What is implied by empathy is *inter alia* the person's willingness to temporarily suspend the affective evaluation of his own claims and interests. By linguistic means or by specific modes

²⁹ Jürgen Habermas, 'Remarks on Discourse Ethics', in *Justification and Application* (Cambridge, Massachusetts; London, England: MIT Press, 1994), pp. 19-111, 48.

³⁰ See also Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity Press, 1990), p. 146; Habermas, 'Remarks on Discourse Ethics', p. 48.

³¹ Axel Honneth, 'The Other of Justice: Habermas and the Ethical Challenge of Postmodernism', in *The Cambridge Companion to Habermas*, ed. Stephen K. White (Cambridge, England: Cambridge University Press, 1995), pp. 289-323.

³² *Ibid.*

³³ *Ibid.*, p. 303.

of speaking that emphasise the merely *thetic* character of his assertions, as well as by means of certain registers of speech that implicitly 'bracket' their validity, a person can indeed present his claims, from a first-person perspective, in a suspended or provisional way. With the help of such relativising gestures, the person indicates that he distances himself from his own claims and, as a consequence, can more openly defer to those of others. If all participants are able and willing to bracket their own claims, this (provisional) relativisation of their own perspectives will result, it is hoped, in better mutual understanding.

Nevertheless, the attempt at weighing and evaluating interests provisionally, impersonally and without an immediate pressure to act does not preclude an eventual failure. Three cases seem to be of special relevance: a) a lack of rational reflection (for instance, if we in principle care more about our own interests and reasons without justifying this prioritisation); b) a lack of empathy (if we are not willing or able to understand the perspectives, thoughts, feelings and reasons of others because we are too committed to our own and take them to be 'objectively correct'); c) a lack of pragmatism and an inability to reduce complexity (if we do not succeed in balancing the different perspectives in a way that allows us to reach a judgement on which we can then act).

Finally there is a *third* aspect to emphasise: the importance of *communicative interaction*. In order to justify his actions to others possibly concerned by them, the person has to integrate these actions with their claims according to norms which are recognised by – ideally – all persons concerned as valid and appropriate to the situation. For this purpose, he has to demonstrate in his conversation with these others a willingness to reveal the motives and aims of his actions, so that they can come to understand them. For only in communicating with others is it possible for him to decide the extent to which his behaviour may affect the interests and lives of others.³⁴ By the same token, the acting subject himself can explain his motives and intentions and so on, allowing others to obtain a better understanding of his actions. Moreover the subject learns about others' attitudes toward his actions and what

³⁴ For Hans-Georg Gadamer, it is part of every true conversation 'that each person opens himself to the other, truly accepts his point of view as valid and transposes himself into the other to such an extent that he understands not the particular individual but what he says' (Hans-Georg Gadamer, *Truth and Method* (London; New York: Continuum, 1975), p. 387).

possible consequences (intended or otherwise) they might have which should be considered in future actions. Thus verbal communication should, however, be understood as always accompanying, sustaining and penetrating human actions³⁵ both beforehand as well as during subsequent communication.

Even in situations in which reaching an understanding is really intended, it is often not possible to obtain an agreement or some sort of an acceptable compromise. For often people are only insufficiently or not at all capable of articulating their own claims, needs or attitudes in a way that is comprehensible to others. On the contrary, they often find it difficult to engage with others' statements, and a willingness to include the interests of others as comprehensively as possible in one's own action cannot be taken as self-evident. So it is possible that differences cannot be overcome for these or for other reasons. In such cases, it is only possible to search for compromises acceptable for all participants or for situations of mutual avoidance in which justifications are no longer necessary.

Verbal communication is certainly always imperfect and therefore also somehow insufficient; this begs the question, however, of what alternatives are at our disposal to include others as peacefully and equitably as possible in our actions. For language implies the idea of understanding³⁶ and understanding conversely requires language. Even where we speak of a 'wordless' understanding, this occurrence is interpreted as a 'wordless language' or reflected in a meta-conversation. Thus language in any mode or shape is essential for the mediation of positions as well as for critique or doubts. Different modes of verbal communication, however, should be distinguished which are not equally suitable to maintaining or promoting responsible acting.³⁷ Moreover, the specific performance of understanding is also very much dependent

³⁵ See for the concept of communicative action, besides Jürgen Habermas, *Theory of Communicative Action*, also his article 'Moral Consciousness and Communicative Action'.

³⁶ See for the concept of verbal communication, Gadamer, *Truth and Method*, p. 443.

³⁷ The form of language in which understanding is explicitly the aim is argumentative discourse as Karl-Otto Apel and Jürgen Habermas have described it. They presuppose that the very structure of communication allows for nothing else but the stronger argument and excludes any kind of coercion. Admittedly, this is an ideal construction which in reality is never realised in this form. Nevertheless, we presuppose in every real situation of discussion, indeed in every communication, as a regulative idea that peaceful understanding might be possible. Cf. Habermas, *Theory of Communicative Action, Vol. 1: Reason and the Rationalization of Society* (London: Heinemann, 1984), p. 25.

upon the context in which it takes place because the claims to be provided at various times call for different forms of communication.³⁸

Based on this last point, I would like to add a brief social observation. I suggest that one of the reasons why modern societies are so tension-filled and difficult is that more and more human actions may affect future generations with whom a real communication is impossible. Likewise, a direct dialogue – where we encounter others in their second-person authority – rarely takes place with people in distant continents who suffer from environmental and other damage originating in wealthy or industrialised regions. But that does not mean that under these conditions no mode of communication is possible and reasonable. For one thing, with modern means of communication, the potential for better information flow, as well as for visual and hence face-to-face, as well as oral-aural communication at a distance, has been greatly enhanced. In addition, language, due to its inherent capacity for adopting attitudes, also allows for a fictional communication with imaginary partners of dialogue and the anticipation of, in principle, an unlimited number of objections. What is important, however, is that the hypothetical status of those dialogues should be kept in mind and that they always must remain open to corrections and revisions resulting from real communication with the others.³⁹

In summary, verbal communication with others, the bracketing of one's own perspective and the endeavour to appropriate the perspectives of others, as well as justice conceived as a discourse of justification,

³⁸ For instance, while in the legal realm arguments should hold priority due to their assumed aspiration to pertain as generally and as emotionally neutral as possible, other forms of communication have their place in private relations, since much broader ethical claims are at stake which also include the consideration of feelings and moods. Hereby the question of in which context we have to justify ourselves and which linguistic form should therefore be adequate can be interpreted and answered differently depending on the perspective. Seyla Benhabib, for example, underlies that 'situations' cannot be described as 'envelopes and golden finches [...] nor like apples ripe for grading' ('The Generalized and Concrete Other', in *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics* (Cambridge, England: Polity Press, 1992), pp. 148-177 (p. 163)).

³⁹ It may be a very interesting subject for further investigation whether some forms of religion may assist this process of second-person-commitment, as Andrew Pinent has pointed out in a commentary to this paragraph. He suggests that in the generic sense such communication reflects the possible social origins of the term 'religion' from 'to re-connect' (*religare*), combined with a certain reverence and obligation to the other (*religio*).

have all been developed here as three aspects of the exercise of moral responsibility. As I have tried to point out, however, these three correlate inherently with one another: for a just consideration of all those who are concerned with an action, the bracketing of one's own claims and the consideration of the claims of others is always necessary, and we have the best access to those claims by including these others as directly as possible by means of verbal communication. In all of these three aspects, first-, second- and third-person perspectives are entangled. Whereas in *justice* the third-person perspective is usually regarded as predominant, especially when expressed in the form of moral laws, true justice is grounded ultimately on second-person relatedness, qualified by the fact that concrete human situations in practice require the ability to *change perspectives*. Moreover, the second and third-person perspectives are closely interrelated, to the extent that we could not imagine communicating about different claims and needs without the recognition and cognition of the other, even one who is not present, as a second-person authority.

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